

## **RURAL ECONOMY AND CONNECTIVITY COMMITTEE**

### **CALL FOR EVIDENCE ON THE DOGS (PROTECTION OF LIVESTOCK) (AMENDMENT) (SCOTLAND) BILL**

#### **SUBMISSION FROM BLUE CROSS**

##### **What is your experience of livestock worrying? What is the scale of the issue?**

Blue Cross does not have direct practical experience of livestock worrying; however, we are aware that it is an issue of pressing concern to many livestock owners in Scotland. Any attack on livestock can be extremely upsetting for the owner, any witnesses, and emergency services personnel; and, of course, causes great pain, distress, and frequently death, to the attacked animal. It can also place the life and health of the dog in danger as livestock, such as horses and cattle, are capable of causing serious harm to any dog attacking them.

As well as being an animal welfare issue, it is also a fundamental example of irresponsible dog ownership and we hope that the Bill will help to prevent further instances of this unacceptable failure of dog control. Although there will be many instances that are accidental rather than deliberate, it is clear that there are a minority of dog owners who do not take dog control seriously enough, or who are uninformed about how to control their dog properly. Blue Cross hopes the Bill will contribute to an environment where responsible dog owners and livestock owners can both enjoy the Scottish countryside in safety.

The scale of the issue is difficult to quantify precisely due to the lack of rigorous and comprehensive data and the under-reporting of incidents by livestock owners - Scottish Government research indicates that only around a third of dog attacks are currently reported to the police.<sup>1</sup> Cases recorded by local authorities have shown an increase in recent years – in 2007/08 there were 81 recorded instances of offences; in 2016/17 this figure had risen to 175.<sup>2</sup> One survey in December 2019 found that 14% of sheep farmers said that dogs had attacked or chased their sheep in the previous 12 months.<sup>3</sup> The financial cost is also severe: Scottish Government research estimates that the average cost to farmers was £697 per dog attack amounting to around £4.4m each year.<sup>4</sup>

It is essential that more accurate data on livestock worrying is collated both to provide a more empirically robust picture of the true extent of livestock worrying and to enable a thorough analysis of whether the new legislation is working as intended.

##### **Does legislation need strengthening in this area? If so – does the Bill do this? Is the Bill the best way to do this?**

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<sup>1</sup> 'Sheep attacks and harassment: research – Scottish Government <https://www.gov.scot/publications/sheep-attacks-harassment-research/>

<sup>2</sup> Page 7 - Proposed Protection of Livestock (Scotland) Bill consultation

<sup>3</sup> 'Sheep attacks and harassment: research – Scottish Government <https://www.gov.scot/publications/sheep-attacks-harassment-research/>

<sup>4</sup> Dogs (Protection of Livestock) (Amendment) (Scotland) Bill Policy Memorandum

Blue Cross believes that livestock worrying does need updating and strengthening. The original legislation – the Dogs (Protection of Livestock) Act – dates from 1953 and aspects of society have altered considerably since then: increased mobility and the development of mass tourism, for instance, means there are more opportunities for dogs to encroach on land occupied by livestock. The Land Reform (Scotland) Act 2003 has also widened the scope of access to land.

Blue Cross submits that the Bill will help to tackle the problem in a more cohesive manner but should not be seen as a panacea. The problem is complex and requires imagination and innovation to tackle fully. We believe the legislation should be accompanied and widened with the development of additional guidance for enforcement bodies on how to effectively use the powers granted them by the Bill; there should also be more use of clear and visible signage around livestock areas to forewarn dog walkers of their presence and their responsibilities under the Scottish Outdoor Access Code.<sup>5</sup> Alternative routes could be devised where off-lead dog walking would not cause problems for livestock.

Collaborative work between the agricultural sector, enforcement bodies and animal welfare charities like Blue Cross is also needed to share messaging and information to the general public to make sure any legislation is meaningful and achieves its aims. A previous example was the "Your Dog - Your Responsibility" campaign, a multi-agency initiative launched in January 2019 by the Scottish Partnership against Rural Crime.<sup>6</sup>

Blue Cross would urge the Scottish Government to publish its promised review of wider dog control law in 2020 as soon as possible. There are a number of pieces of legislation which apply to dangerous dogs and dog control issues, ranging from the Dogs Act 1906 to the Control of Dogs (Scotland) Act 2010. Such a proliferation of legislation can make it complicated for enforcers to know which piece of legislation to use in which case. Blue Cross believes there is a case to be made for one piece of consolidated legislation which covers dog control in Scotland.

### **What are your views on the increased penalties the Bill creates for livestock worrying?**

The current level of fine provided for by the 1953 Act - £1,000 – is simply too low. Blue Cross is therefore in favour of the increased penalties in the Bill. We see them as positive as they can act as an increased deterrent to anybody who thinks their dog can be allowed to roam off-lead in the vicinity of livestock. Increased fines up to £5,000 and jail sentences of up to six months also better reflect the gravity of the offence and the severity of its impact on the livestock owner.

Blue Cross also regards the increased penalties as an aid to increase responsible dog ownership.

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<sup>5</sup> <https://www.outdooraccess-scotland.scot/practical-guide-all/dog-walking>

<sup>6</sup> <https://www.scotland.police.uk/whats-happening/news/2019/january/sparc-launches-extended-livestock-worrying-campaign>

**Would the proposals to disqualify convicted persons from owning or keeping a dog or taking a dog onto certain types of land, assist in the aim of reducing the number of livestock worrying instances?**

Blue Cross believes that disqualification of a convicted person would potentially help to reduce the incidences of livestock worrying, principally because this would help to curtail the repeat offenders who consistently fail to control their dogs in the vicinity of livestock.

We would recommend that if a disqualified person was to keep an animal in the future, following an appeal, they would be required to undergo a dog control course or training on responsible dog ownership to prevent future problems.

**What is your opinion on extending the types of livestock and type of agricultural land covered by livestock worrying, as described by the Bill?**

Blue Cross submits that any animal kept as livestock should be covered and therefore supports the extension to cover camelids ostriches, farmed deer, enclosed game birds and buffalo.

**What are your views on the powers allowing Scottish Ministers to appoint inspectors, other than police, to investigate and enforce livestock worrying offences?**

Blue Cross supports conferring the power on Scottish Ministers to appoint different inspectors other than the police agencies.

It is imperative, however, that any new agency needs to be given sufficient resources and training to enable its inspectors to swiftly identify an offence and ensure consistent and effective enforcement. Sadly, many aspects of animal welfare suffer from a lack of enforcement which can nullify the legislation's aims; the recent consultation on the Control of Dogs (Scotland) Act 2010 highlighted concerns about the enforcement of that statute and it would be very disappointing if the same problems bedevilled this Bill.

**Do you have any comments on the expanded powers for police and inspectors to seize dogs, to enter premises and to take a dog to the vet?**

Expanded powers related to seizing a dog from another site is sensible and should aid police and inspectors in their investigations.

Blue Cross does have some concerns: we obviously do not want to see a situation develop where dogs are being euthanised unnecessarily. Depending on the severity of the offence Blue Cross would like to ensure that dogs can if possible be returned to the owner with stringent conditions and the owner having to take a mandatory awareness course / training. Where the dog cannot be returned to the owner, we would like to see the police partner with a reputable behaviourist to ensure the proper assessments have been carried out prior to any euthanasia decision.

As a pet welfare charity, we are obviously concerned about the welfare of any dog seized by the police. We would hope that, wherever possible, the owner should accompany their dog to the vets. This is likely to be an extremely distressing event for the animal so any measures to reduce the emotional impact should be taken.

Blue Cross also has concerns about any potential seizure of a dog which subsequently does not prove to have been the offender. Such a situation will prove traumatic for the dog involved and the owner. It is essential that any seizure only takes place when the police are sure they have the right dog.

**Does the Bill adequately balance the rights of dog owners and the rights of livestock farmers?**

Yes. Blue Cross regards the Bill as effectively balancing the rights of dog owners with livestock farmers. It is clear that livestock owners have not regarded the previous legislation as providing an effective safeguard and the lack of under-reporting mentioned previously clearly indicates a lack of confidence in its application.

Blue Cross believes the legislation will help tackle irresponsible dog ownership and should not unfairly punish good dog owners, provided the increased powers for dog seizure are used carefully and sensitively, with full regard for the welfare of the dog.

What is important is that the Scottish Government should work with farmers to create rural spaces that are dog friendly to allow for all parties to have access to space in Scotland. As mentioned previously, this could include increased and more visible signage and well-maintained fences and barriers.

**Is there anything else that should be included or excluded from the Bill?**

Blue Cross submits that there should be a provision in the Bill authorising the provision of mandatory dog training for offenders to ensure they can get their dogs back.