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Delegated Powers and Law Reform Committee
Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh
Lagh

Welfare of Dogs (Scotland) Bill: Stage 1



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Contents

Introduction	1
Overview of the Bill	2
Delegated Powers	3

Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- (a) any—
 - (i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;
 - (ii) [deleted]
 - (iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;
- (b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;
- (c) general questions relating to powers to make subordinate legislation;
- (d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;
- (e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;
- (f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;
- (g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and
- (h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.
- (i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/delegated-powers-committee.aspx>



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Introduction

1. At its meeting on 6 October 2020, the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Welfare of Dogs (Scotland) Bill ("the Bill") at Stage 1.
2. The Committee submits this report to the lead Committee for the Bill under Rule 9.6.2 of the Standing Orders.

Overview of the Bill

3. This Member's Bill was introduced by Christine Grahame MSP on 1 June 2020.
4. The stated aim of the Bill is to improve the health and welfare of puppies and dogs by improving the regulation of breeding practices and by encouraging responsible dog acquisition and ownership.
5. The Bill proposes to achieve this by:
 - lowering the threshold number of puppy litters that can be born before a breeder requires a dog breeders' license from 5 to 3, thereby bringing more breeders within the current dog breeding licensing regime;
 - establishing a Scotland-wide puppy litter register and requiring anyone who breeds a litter of puppies to register the litter before advertising, selling or giving away any of the puppies; and
 - establishing a Code of Practice with a view to encouraging responsible dog acquisition and ownership.

Delegated Powers

6. The Member in Charge has provided the Parliament with a [Delegated Powers Memorandum](#) ("DPM") on the delegated powers provisions in the Bill.
7. The Bill confers 7 powers to make subordinate legislation on the Scottish Ministers:
 - Section 8(1)(b) – Power to impose a fee for registering a litter
 - Section 8(2)(g) – power to specify additional registration information
 - Section 11(1)(c) – Power to specify changes in registration information that trigger a requirement to update the register
 - Section 15(1) – Provision for or in connection with the deletion from the register of old entries
 - Section 17(1) – power to authorise further access to the register information
 - Section 19(1) – Enforcement generally, read with 19(2)
 - Section 20(1) – Making of code of practice
8. The DPM sets out the reasoning for taking the delegated powers in the Bill and the parliamentary scrutiny procedure that has been chosen.
9. The Committee is content with the delegated powers provisions contained in the Bill and with the choice of procedure in each case.

