

PE1776/A

Scottish Government submission of 18 March 2020

The petitioner calls for the Scottish Government to change the classification of dogs from inanimate objects to sentient beings for the purpose of legal action on dog theft. The petitioner wishes new legislation to be introduced to effectively tackle dog theft.

The SPICe briefing accompanying the Petition provides useful background for the Committee's deliberations in this area.

It may be helpful to explain that there is no specific criminal offence of dog theft or theft of a pet in Scots law. However, the existing common law offence of theft would include when the theft amounts to theft of a pet. This law offers protection against those who engage in this type of offending behaviour, which provides for maximum penalties all the way up to life imprisonment.

When criminal proceedings are raised by the independent Crown Office and Procurator Fiscal Service, the framing of the charge or charges against an accused will be sufficiently precise so as to highlight the nature of an accused's offending behaviour, for example, theft of a dog. As such, if the person is convicted, the court when sentencing an offender for theft in such a case will be fully aware of the fact that the offender had stolen a dog.

The independent courts have a wide discretion to impose the most appropriate sentence upon each offender before them having regard to the individual facts and circumstances of each case. The court can and does already take into account the context of offending behaviour and any aggravating factors when making their overall sentencing decisions.

For these reasons, the Scottish Government considers the existing common law offence of theft provides effective legal protection for offending in this area and has no specific plans to introduce new legislation at this time.

I hope that this reply is helpful to the Committee's deliberations.