

XL Bully Dog Safeguards

Summary and Recommendations

This paper updates the Board on new legal safeguards on XL Bully dogs introduced by Scottish Government and COSLA engagement to date on this issue. It asks the Board to agree that COSLA continues to highlight the impact of the safeguards on local authorities to Scottish Government, working in partnership with Local Government professional associations.

This paper invites the Board to:

- i. Note the update on the new XL Bully Safeguards recently introduced by the Scottish Government, and
- ii. Agree the proposed COSLA position.

References

There are no previous relevant reports.

Elisa Bevacqua
Policy Manager – Communities
elisa@cosla.gov.uk
0131 474 9342

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Purpose

1. This paper updates the Board on new legal safeguards on XL Bully dogs introduced by Scottish Government and COSLA engagement to date on this issue. It asks the Board to agree that COSLA continues to highlight the impact of the safeguards on local authorities to Scottish Government, working in partnership with Local Government professional associations.

What is changing?

2. The first of a two-stage approach to new legal safeguards on XL Bully dogs was introduced by Scottish Government on 23 February 2024, following approval by the Scottish Parliament. From this date, it remains legal to own an XL Bully dog but owners must ensure that their dog is muzzled and on a lead when in a public space. Selling, gifting or exchanging XL Bully dogs is now also prohibited.
3. Stage two of the new rules, which comes into force from 31 July, will make it an offence to own an XL Bully without an exemption certificate or having applied for an exemption certificate. This means that existing XL Bully dog owners will need to consider whether they wish to keep their dogs and if so will have to apply and pay for an exemption permit by that date. The exemption scheme will be run nationally by the Scottish Government. Full details as to what date applications will open for an exemption certificate, how to apply and what support will be available is to be announced imminently by the Scottish Government.
4. The Scottish Government has indicated that it is not known how many XL Bully dogs there are in Scotland. Neither are the number of XL Bully dogs known in the UK as a whole. While estimates are challenging, for the purposes of the Scottish Statutory Instrument laid in Parliament at the end of February, Scottish Government stated that approximately between 5,000 to 15,000 XL Bully dogs may be in Scotland. This reflects an estimated range of 50,000 to 150,000 XL Bully dogs in England and Wales. The lack of clear numbers presents challenges, including around planning capacity and resourcing for implementing the safeguards.
5. Scottish Government officials have set up an Implementation Forum to help support the implementation of the safeguards. The largely technical Forum is attended by officers from COSLA, the Society of Chief Officers of Environmental Health in Scotland, the National Dog Warden Association, Police Scotland, SSPCA.

Impact on local authorities

6. COSLA officials have been working with professional advisors from the the Society of Chief Officers of Environmental Health in Scotland and the National Dog Warden Association to better understand the likely operational implications of the new safeguards for local authorities. A summary of key impacts from a Local Government perspective is provided below:

- a. Local authorities have a duty to uplift stray or abandoned dogs. LAs may see an increase in XL bully (or XL bully-type) dogs being abandoned. This would have an impact on resources locally, both in terms of staff capacity as well as extra costs for kennelling dogs for prolonged periods or euthanising them.
- b. Kennelling provision for stray, unwanted or seized dogs is also an issue for implementation. Many local authorities rely on third party providers for this, such as SSPCA, Dogs Trust and private local kennels. We understand from intelligence provided by local authority officers that a number of kennels may decide not to accept these dogs (with possible reasons including capacity, safety, animal welfare concerns).
- c. Increased workload for officers through enquiries being received in relation to the new rules, including about identifying and confirming dog types and breeds.
- d. Lack of training for dog wardens and dog control officers, who already have very limited or no additional capacity to undertake new tasks.

Police Scotland Responsibilities

7. There is also the matter of potentially overlapping operational responsibilities between LAs and Police Scotland, which will be considered through the Implementation Forum set up by the Scottish Government.
8. The SSI introduced by Scottish Government added the XL Bully dog to the list of designated dogs under the Dangerous Dogs (Scotland) Act 1991. However, any individual XL Bully dog will not be classed as prohibited where an owner of an XL Bully dog obtains a certificate of exemption that enables the owner to legally own the dog. As the Dangerous Dogs Act is criminal legislation, it is for Police Scotland to investigate incidents, however at times local authority officers can provide support and assistance.
9. In the context of the new safeguards, there are outstanding questions around, for example, responsibility for uplifting stray XL Bully dogs, and whether that would sit with Police Scotland or local authorities.
10. In order to help with clarifying roles and responsibilities, the existing [Protocol Detailing the Responsibilities of Different Bodies in Dealing with Irresponsible Dog Ownership](#) will be updated to reflect the new safeguards. The protocol was developed in 2021 to aid local authorities and Police Scotland with the decision-making process when considering how best to deal with complaints relating to irresponsible dog ownership within our communities. It was drafted by local authorities, Police Scotland, the National Dog Warden Association, Society of Chief Officers of Environmental Health in Scotland and the Crown Office and Procurator Fiscal Service. The Community Wellbeing Board had sight of the draft protocol in summer 2021 and approved it by correspondence.

Political Engagement

11. The COSLA Community Wellbeing Spokesperson met with the Minister for Victims and Community Safety to discuss the new safeguards on 19 March. At the meeting, Cllr Chalmers discussed the impact of the safeguards on local authorities, setting out that the resource implications for local authorities will need to be considered. The Minister acknowledged this and agreed to continue engaging with COSLA and Local Government to better understand what the resource requirements, including training, may be.

Proposed COSLA Position


12. The Board is asked to consider the following proposed position to inform ongoing discussions at both officer and political level with Scottish Government:
- While the precise extent of these is difficult to gauge with certainty at this stage, the new safeguards will have capacity and resource implications on already stretched local authority environmental health and dog warden services.
 - COSLA will work with Local Government advisors to better understand the impact and potential costs associated with the new safeguards.
 - Local authorities are ideally placed to continue supporting a preventative approach to improve responsible dog ownership within communities overall, in line with the Control of Dogs (Scotland) Act 2010. However, limited local capacity makes this difficult to take forward. We believe that a longer-term conversation needs to take place on how best this can be achieved.
 - COSLA is supportive of updating the 'Protocol Detailing the Responsibilities of Different Bodies in Dealing with Irresponsible Dog Ownership' document to bring clarity for both local authorities and Police Scotland in relation to the new safeguards. The Community Wellbeing Board will consider it formally prior to finalisation.
13. It is also proposed that the Spokesperson writes to the Minister for Victims and Community Safety to set out the position above formally, if agreed by the Board.

Next Steps

14. COSLA officers will continue engage with Scottish Government officials and further reports on this matter will follow as appropriate.

Date Considered: March 2024

Contribution to agreed COSLA Plan and Verity House Agreement:

<p>COSLA Plan 22-27</p> 	<p>Priority Areas</p> <p>Strengthen Local Democracy <input type="checkbox"/></p> <p>Secure Sustainable Funding <input checked="" type="checkbox"/></p> <p>Improve the Wellbeing of Individuals, Families and Communities <input checked="" type="checkbox"/></p> <p>Enhance Education and Support for Children and Young People <input type="checkbox"/></p> <p>Deliver a Just Transition to a Net Zero Economy <input type="checkbox"/></p> <p>Support the Most Vulnerable in our Communities <input type="checkbox"/></p>
<p>Verity House Agreement</p>	<p>Shared Priorities</p> <p>Tackling Poverty <input type="checkbox"/></p> <p>Just transition to net zero <input type="checkbox"/></p> <p>Sustainable Public Services <input checked="" type="checkbox"/></p>