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14 November 2023

Dear Lord Benyon

Thank you for your letters of 29 September and 9 November advising the UK Government will be banning the XL Bully dog breed in England and Wales. I also note the letter dated 13 November from Rt Hon Michael Gove MP, Secretary of State for Levelling Up, Housing and Communities & Minister for Intergovernmental Relations to the Deputy First Minister, Shona Robison MSP relating to the XL Bully dog breed and whether a ban will be introduced in Scotland. This letter replies to all these letters.

As you know, the proposal to ban the XL Bully dog breed was announced with no notice given to the Scottish Government. It was also announced with no prior public consultation. As such, the Scottish Government consideration of the issue has had to start from scratch given the absence of prior notice that the UK Government was planning this step.

I note that from 31 December 2023 it will be against the law to sell, abandon, breed from or give away an XL Bully, or have one in public without a lead or muzzle in England and Wales. While I note the new offences criminalising a person who sells, abandons etc. an XL Bully will relate to people who undertake such activity who live in England and Wales, I would welcome clarity from the UK Government as to whether this will apply to people living in England and Wales who sell, abandon etc. their XL Bully dog to people in all other parts of the UK including Scotland. I am sure you agree it is important the legal framework governing the ban in England and Wales is comprehensive in ensuring relevant owners in England and Wales can be held to account for their actions.

Since the announcement was made, Scottish Government officials have welcomed the regular weekly engagement with DEFRA and representatives from the other devolved administrations to help understand the detail of the proposal.

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However, it is important that any change in this area in Scotland is based on evidence and we have been carefully considering the evidence on XL Bully dogs and whether similar changes to ban this breed should be applied in Scotland.

As you are aware, no new breed types have been added to the banned list in Scotland for more than 30 years. This reflects the policy approach on dog control being to encourage and require responsible dog ownership as being key to public safety and for owners to control their dogs whatever the breed may be. This 'deed not breed' approach is supported by welfare organisations including the Scottish SPCA as being the most effective in helping to keep dogs well-looked after and under control. And as you will know, we have the system of dog control notices (DCNs) which is operated by local authorities. DCNs are an essential part of helping keep communities safe and requiring responsible dog ownership. This includes when a person owns the XL Bully type dog. This is a proportionate approach using these important powers where needed and focusing on those owners who have allowed their dogs including XL Bully type dogs to be out of control.

The Scottish Government always considers carefully evidence based suggestions to help improve community safety, including keeping the prohibited breed list under review, and my officials have been engaging with stakeholders, including Police Scotland, National Dog Warden Association, various Scottish local authorities, the Dogs Trust, the Scottish SPCA, and a number of animal behaviourists to gather evidence on the XL Bully dog.

With the relevant legislation now introduced at Westminster and the dates for implementation of the ban in England and Wales set, I can advise such a ban will not be introduced in Scotland on the timings set for England and Wales. We will continue to assess relevant evidence in this area for Scotland.

We would welcome the opportunity to assess any available data that could be shared by DEFRA analysts to help understand how the ban in England and Wales operates when introduced.

I hope this is helpful.



SIOBHIAN BROWN

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