



Law Society
of Scotland

Consultation Response

Petition PE1758: End greyhound racing in Scotland

6 April 2023



Introduction

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Rural Affairs sub-committee welcomes the opportunity to consider and respond to the Rural Affairs and Islands Committee consultation in relation to Petition PE1758: End greyhound racing in Scotland.¹ The sub-committee has the following comments to put forward for consideration.

Q1. What is your view about the welfare of greyhounds used for racing in Scotland?

As any legislative or regulatory measures should be informed and supported by a robust evidence base, we recognise the importance and value of the Scottish Animal Welfare Commission report (the “report”).

We note that the report recognises there is a balance between potential for detriment to welfare in breeding and training, and the positive welfare state noted by the observers after racing. The report also recognises that there were positive dog-human relationships demonstrated. On balance, there are potential negative impacts on animals bred purely for racing, and in the main as the evidence supports these being due to injury, efforts to prevent these injuries should be supported, including considerations around whether further evidence gathering covering track design and operation would be beneficial.

We would highlight that there is little to balance the potential for injury during racing, which remains a considerable risk to the dogs. It is also not possible to clearly define the impact on the dog in the kennels or rehoming environment when this has not actively been assessed as part of the study, and so subjective opinions on this should not form the basis for a revised legislative or regulatory approach.

Other subjective observations highlighted in the report, e.g., the welfare risks associated with the involvement of the gambling industry, should only be factored into the legislative considerations to the extent that they are supported by objective evidence and appropriate data. Nonetheless, given the lack of regulation and oversight of this industry, it is of course possible that these factors may also ultimately support legislative or regulatory change.

¹ <https://yourviews.parliament.scot/raine/petition-pe1758/>

Q2. Do you agree with the petition which calls for a ban on greyhound racing in Scotland? Please explain your reasons for your answer.

As above, any legislative or regulatory measures in this area should derive from robust evidence supporting the proposed measures.

There appears to be insufficient evidence at this stage to suggest that a complete ban will improve animal welfare. As the report points out, it would remain legal to breed, train, and race in England and Wales. We would suggest that the aim of any government intervention should not be to displace an unwanted activity, but to regulate to promote better outcomes.

Whilst there are emotive and subjective arguments for a ban, to adequately legislate in this area these ought to be supported by sufficient data and analysis of any potential consequences – e.g., a fuller economic impact assessment, or proposals to implement a ban without taking into consideration displacement or the welfare of the animals currently in the industry. Similarly, we do not agree that a benefit to human mental health from involvement in the sport is a necessary consideration in this consultation and appears to be an ancillary benefit for some rather than a primary output linked to the animal.

We agree that there should be stronger regulation to support animal welfare throughout the industry. Further legal analysis would be required at the relevant stage to ensure that the proposed changes are appropriately drafted to reflect policy intentions. We recognise that there will be fiscal and resource capacity challenges of Scottish Government in determining the available approach, and adequate resourcing will be essential.

Should it be determined that a ban or greater regulation is necessary, it is important that there is clarity and certainty in the law in order that individuals and businesses can guide their conduct appropriately. Any changes to the policy and legislative framework on this matter would merit an appropriate awareness-raising campaign so as to make individuals and businesses aware of the revised requirements.

Q3. Do you agree with the recommendations of the Scottish Animal Welfare Commission report? Please explain your reasons for your answer.

We do not seek to comment on the specific recommendations of the report. Should it be determined that further regulation and welfare oversight are necessary, we note that the Scottish Veterinary Service will not have legislative powers or resource to deal with this under existing Animal Health and Welfare (Scotland) Act 2006. Local Authorities are under-resourced and not all have trained animal-welfare inspectors, and further regulation would be required to delegate authority specifically around racing welfare. Therefore, we would suggest that consideration should be given to establishing a working group with industry representation to consider how such a scheme could operate.



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