

POLICY NOTE

THE DANGEROUS DOGS (FEES) (SCOTLAND) ORDER 2013

SSI 2013/178

The above instrument is made by Scottish Ministers in exercise of the powers conferred by Section 4(1)(c) of the Dangerous Dogs (Amendment) Act 1997 (a), and all other powers enabling them to do so.

Policy Objectives

The Dangerous Dogs Act 1991 (the 1991 Act) controls specified “dangerous” dogs in England, Wales and Scotland. The 1991 Act allowed owners to keep their dogs provided that they complied with specific requirements by certain dates in 1991 and 1992. Keepers who satisfied the Agency – known as the Index of Exempted Dogs – that they had complied with the requirements of the 1991 Act were issued with a Certificate of Exemption. Many of the dogs originally registered have now died. However the legislative framework changed in 1997 with the result that an application for a Certificate of Exemption can still be made where a dog has been made subject to a contingent destruction order. A Court may make such an order where it is satisfied that the dog would not constitute a danger to public safety. The effect of the order is to exempt the dog from destruction provided that a Certificate of Exemption is issued within a set period. The issue of a Certificate of Exemption depends on certain conditions being met, including the payment of a fee. To address rising costs (no costs fall on the Scottish Government), it has been proposed that the fee for a Certificate of Exemption should be increased from £20 (+VAT) to £77 (+VAT).

Under the current law, owners are required to pay a fee (currently £20) before a Certificate of Exemption is issued. This fee was established by the Dangerous Dogs (Fees) Order 1997 and has not been reviewed since. The Index is GB-wide. The proposed fee increase from £20(+VAT) to £77(+VAT) is appropriate and reflects to the necessary level to recoup the financial costs of dealing with the volume of applications across Great Britain. The proposed fee increase will primarily affect persons illegally obtaining a dangerous dog and, which is subject to a destruction order. Beyond this group interest in the proposed fee increase will be limited to those organisations involved in the implementation of the Dangerous Dogs Act.

The current fee of £20.00 plus VAT does not cover the cost of administering the Index of Exempted Dogs, and as a result the UK Government contributes towards the cost of administering the scheme. An increase in the fee is considered long overdue. Inflation over the last 16 years needs to be taken into account, as well as the fact that other licensing schemes already cost significantly more than £20 plus VAT.

The proposal is to increase the fee to £77.00 plus VAT. Although this is a significant increase, it must be considered in the light of the points made in the paragraph above. The increase is relatively small compared to the other costs associated with placing a dog on the Index of Exempted Dogs, such as neutering, microchipping and insurance. Furthermore, the increase is also relatively small compared to the overall cost of keeping a dog.

Equality Impact Assessment

There are no equality impact issues.

Financial Effects

The instrument is not expected to have any significant financial effects on Scottish Government, local government or on business. As there is no impact on business or the third sector, and no impact on the environment or on environmental issues, no Business and Regulatory Impact Assessment or Strategic Environmental Assessment is required.

Scottish Government
Justice Directorate
May 2013