POLICY NOTE

THE DANGEROUS DOGS (COMPENSATION AND EXEMPTION SCHEMES) (MISCELLANEOUS AMENDMENT) (SCOTLAND) (NO. 2) ORDER 2026

SSI 2026/212

The above instrument was made by the Scottish Ministers in exercise of the powers conferred by section 1(5) of the Dangerous Dogs Act 1991 ("the 1991 Act"), and all other powers enabling them to do so. The instrument is subject to negative procedure.

The Order amends the Dangerous Dogs Compensation and Exemption Schemes Order 1991 and the Dangerous Dogs (Compensation and Exemption Schemes) (Scotland) Order 2024. The Order comes into force on 1 November 2026.

The amendment that has been made requires holders of certificates of exemption issued under these Orders to ensure that their exempted dogs do not come into close contact with a child under 12 unless supervised by a person aged 16 or over, which will apply in non-public places including homes.

Policy Objectives

This Order introduces a new child protection condition to the exemption schemes made under the 1991 Act, requiring that children under the age of 12 must not be left unattended with a prohibited-type dog in a private place. The policy aim is to ensure that the prohibited dog does not come into close contact with a child under the age of 12 unless there is supervision by another person aged 16 or over.

This legislation is intended to act as a preventative measure and reduce known safety risks in domestic settings by establishing a clear minimum standard of supervision.

All children under the age of 12 will need to have supervision from someone aged at least 16 whenever they are in a private place with a prohibited breed type dog. This supervision can be the exemption holder, but also can be a different person as long as they are at least 16 years old.

Introduction of a new child protection condition for holders of a certificate of exemption

Article 3 of this Order introduces a child protection condition that will require the holder of a certificate of exemption under the Dangerous Dogs (Compensation and Exemption Schemes) (Scotland) Order 2024 to ensure that their dog does not come into close contact with a child under the age of 12 in any place, other than a public place, unless the dog or the child is being supervised by a person (whether the holder of the certificate or some other person) who is over the age of 16.

The policy intention of the condition is to reduce the risk of serious injury to children in domestic settings, while allowing exempted dogs to continue living with families where appropriate supervision or separation is in place.

Injury data indicates that children are disproportionately affected by dog bite injuries.

When dog attacks involving prohibited types occur in domestic settings, younger children are particularly vulnerable.

Data shows that children are disproportionately represented in dog bite incidents. Separately, children are more vulnerable due to their developmental stage and their inability to interpret dog behaviour.

The 12 year old age threshold targets the age group at highest risk, while reflecting established safeguarding expectations and allowing for increasing independence as children grow older.

The introduction of this child protection condition will provide an additional safeguard in the home and other non-public settings in relation to exempted dogs to require supervision in line with established safeguarding expectations where such a dog is present around children.

The condition will come into effect on 1 November 2026.

Article 2 of this Order makes a corresponding amendment to the Dangerous Dogs Compensation and Exemption Schemes Order 1991.

This contains the exemption scheme applicable to other breeds of dog designated in or under section 1(1) of the 1991 Act. Breeding of these dogs has been prohibited by law since they were originally designated and new exemptions can only be authorised by the courts (e.g. where a dog is discovered to belong to such a breed but is considered to be under control with a responsible owner). There are therefore very few of these dogs with exemption certificates in Scotland as compared with XL Bully dogs, which were designated in 2024.

The Scottish Government intends to work with the UK Government and the other devolved administrations to develop and publish guidance in relation to the operation of the new exemption condition before it comes into force on 1 November 2026.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, The Dangerous Dogs (Compensation and Exemption Schemes) (Miscellaneous Amendment) (Scotland) (No. 2) Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to Scottish Government policy to maintain alignment with the EU.

Consultation

No formal consultation has been undertaken. However, the Scottish Government has engaged with key Scottish dog control interests. Scottish Government officials have also discussed this new child safety condition with UK Government/ DEFRA officials, and officials from Northern Ireland and Wales.

The Scottish Government will be writing to all certificate of exemption holders in Scotland to provide an update on these changes before 1 November 2026. Once the change in law occurs, new exemption certificates will be issued. The Scottish Government will also ensure its website is also updated to highlight and reflect the policy change.

Impact Assessments

An Impact Assessment, on the basis there is no new or additional financial impact on owners, and given that no impact on the private, voluntary or public sector is foreseen, has not been produced for this instrument.

Financial Effects

The Minister for Victims and Community Safety confirms that no BRIA is necessary as the instrument has no significant financial effects on the Scottish Government, local government or on business.

Scottish Government
Justice Directorate

June 2026