POLICY NOTE

THE DANGEROUS DOGS (COMPENSATION AND EXEMPTION SCHEMES) (MISCELLANEOUS AMENDMENT) (SCOTLAND) ORDER 2026

SSI 2026/204

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 makes amendments to 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 July 2026.

The amendments remove any requirement as part of the exemption schemes for dogs designated under the 1991 Act for the owner to obtain or renew third-party insurance on or after 1 July 2026. The Order will ensure XL Bully dog owners and owners of other designated types of dangerous dog who apply, or hold, a certificate of exemption will not be required to obtain or renew a third-party liability insurance policy on or after 1 July 2026, while existing policies must continue to be maintained until expiry.

Policy Objectives

Background - The Dogs Trust, as the sole provider across the United Kingdom of third-party liability insurance for dangerous dog types, has officially confirmed that the third-party liability insurance cover currently offered to members of the Dogs Trust Companion Club will cease after 30 June 2026.

In policy terms the Scottish Government continues to believe that third-party insurance offers valuable protection to both the owners of these dogs and any victims of attacks by these dogs. However, as a result of market failure in the provision of third-party liability insurance, dog owners across Scotland (and many more thousands of dog owners across the rest of the UK) are being left without a means of insuring their exempted dog as currently required by law. Without disapplication of this requirement, it would mean owners would be breaching one of the conditions of the Certificate of Exemption for their dog by not having third-party liability insurance cover in place and would also be committing a criminal offence for reasons beyond their control.

Within this context, the Scottish Government is adjusting the requirements of the conditions attaching to an exemption to ensure owners of dangerous dogs do not face the prospect of incurring a breach of their exemption through no fault of their own, and will be able to legally keep their dogs as long as the other exemption certificate conditions continue to be met.

Modification of the third-party insurance requirement

Article 3 of this Order amends the Dangerous Dogs (Compensation and Exemption Schemes) (Scotland) Order 2024. This provides for modification of the third-party insurance requirement so that it does not impose any duty to obtain a new policy or renew a previous policy on or after 1 July 2026. This does not affect the duty of an owner to maintain in place a policy taken out before that date which has still to expire (for instance by keeping to the terms and conditions of cover) or to produce evidence to responsible public authorities of either the existence of cover or the fact that it is no longer needed (because it has unavoidably lapsed on or after 1 July).

New article 8(3A) disapplies the requirement in article 8(1) – (3) to obtain or renew third party liability insurance on or after 1 July 2026.

New article 8(3B) ensures that the insertion of article 8 (3A) is without prejudice to the requirement to maintain in place a policy of insurance in respect of the dog obtained or renewed before 1 July 2026 where the cover provided by that policy has not expired.

The Order also amends the conditions attached to certificates of exemption in article 7 of the 2024 Order, to ensure that those conditions operate subject to the new provisions in article 8(3A) and (3B).

This approach ensures that existing policies remain valid until expiry, while avoiding the need for owners to obtain or renew insurance where such cover is no longer available.

Article 2 of this Order makes corresponding amendments 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 Dangerous Dogs Act 1991. 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 Bullies which were designated in 2024.

Article 2(4)(a) corrects an erroneous cross-reference in article 10 of the 1991 Order to a requirement originally imposed by article 7 of that Order which was removed by the 2024 Order.

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) 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 over a period of months with key dog control interests. Scottish Government officials consulted with DEFRA, officials from Northern Ireland and Wales and the Association of British Insurers (ABI) to explore whether any insurance providers would be prepared to offer owners of prohibited type dogs third-party liability insurance.

The Scottish Government will be writing to all exemption certificate holders in Scotland to provide an update on these changes before 30 June 2026. The Scottish Government will also ensure its website is updated accordingly to highlight and reflect the changes.

Impact Assessments

Given the disapplication of the requirement to obtain or renew third-party liability insurance on or after 1 July 2026, this will mean XL Bully dog owners and owners of other designated breeds will not be legally required, from 1 July 2026, to pay for this type of insurance cover. 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

11 June 2026