

EXPLANATORY NOTES

Greyhound Racing (Offences) (Scotland) Act 2026 (asp 15)

£8.90

GREYHOUND RACING (OFFENCES) (SCOTLAND) ACT 2026

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes have been prepared by the Scottish Parliament's Non-Government Bills Unit on behalf of Mark Ruskell, the member who introduced the Bill for this Act in the Parliament, in order to assist the reader of the Greyhound Racing (Offences) (Scotland) Act. They do not form part of the Act and have not been endorsed by the Parliament.

2. The Notes should be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or schedule, or a part of a section or schedule, does not seem to require any explanation, none is given.

THE ACT

3. The Act makes it an offence to race greyhounds on racetracks in Scotland. The Act also makes it an offence for a person (including racetrack owners/managers) to knowingly use, or permit the use of, greyhounds in racing at racetracks. The offence applies to any racetrack used for the purpose of racing greyhounds that is oval in shape, and therefore applies to greyhound racing at licensed and unlicensed racetracks and covers both commercial and non-commercial activities. The offences cover any racing activity, and as such apply to races, as well as time-trials and sales-trials taking place on racetracks. The racing of one or more greyhounds at a racetrack in Scotland, for whatever purpose, will be an offence.

4. The Act consists of nine sections and two schedules.

COMMENTARY ON SECTIONS AND SCHEDULE

Offences relating to the racing of greyhounds

Section 1 – Offence of racing a greyhound on a racetrack

5. Subsection (1) provides that a person commits an offence if they own or are responsible for a greyhound and knowingly causes that greyhound to run on a racetrack or knowingly permits another person to cause that greyhound to run on a racetrack in Scotland. A racetrack is defined in subsection (4) as premises in Scotland provided for the purpose of running greyhounds on a track that is oval in shape.

6. Subsection (3) provides further detail on when a person is considered to be "responsible for" a greyhound.

7. Subsection (5) allows Scottish Ministers to make regulations to modify the definition of "racetrack" from that provided in this Act. This power may only be exercised for the purpose of preventing harm to greyhounds. Subsection (6) provides that regulations made under subsection (5) are subject to the affirmative procedure[1].

8. Subsection (2) sets out the penalties for an offence under subsection (1).

Section 2 – Offence of operating a track for the racing of greyhounds

9. Subsection (1) provides that a person commits an offence if they own are responsible for the operation of a racetrack (as defined in section 1(4)) in Scotland and knowingly cause or permit another person to cause a greyhound to run on that racetrack.

10. Subsection (3) provides that a person "is responsible" for the operation of a racetrack, for the purposes of this section, if they manage or control the racetrack, or are authorised to give permission for another person to cause a greyhound to run on that racetrack.

11. Subsection (2) sets out the penalties for an offence under subsection (1).

Further provision relating to offences

Section 3 – Powers of enforcement

12. Section 3 introduces schedule 1, which makes provision about the powers of "constables", i.e. police officers. A "constable" is defined in section 7 as having the same meaning as given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012[2] ("an individual holding the office of constable who is serving as a constable of the Police Service").

Section 4 – Disposals following conviction, etc.

13. Section 4 inserts schedule 2 (Modification of Animal Health and Welfare (Scotland) Act 2006) which modifies the Animal Health and Welfare (Scotland) Act 2006 ("the 2006 Act") so that its provisions relating to the making of deprivation orders (section 39), disqualification orders (section 40) and seizure orders where disqualification breached (section 41) are applied to offences under section 1(1) or 2(1) of this Act.

Final provisions

Section 5 – Individual culpability where organisation commits an offence

14. Section 5 provides that where an organisation commits an offence, and the commission of the offence involves consent or connivance by a responsible individual or is attributable to neglect by a responsible individual, the individual as well as the organisation commits the offence.

15. Subsection (3) and the table in subsection (4) set out who will be a responsible individual with respect to different types of organisation.

[1] Affirmative procedure means that regulations must be laid in draft before the Parliament for approval by resolution.

Section 6 – Ancillary provision

16. Section 6 allows the Scottish Ministers to make such incidental, supplementary, consequential, transitional, transitory or saving provision by way of regulations that they consider appropriate in order to give full effect to the Act.

Section 7 – Interpretation

17. Section 7 provides definitions of various terms in the Act.

Section 8 – Commencement

18. Section 8 provides that sections 6, 8 and 9 of the Act come into force on the day after Royal Assent and that all other provisions in the Act come into force on such day as the Scottish Ministers may by regulations appoint.

Section 9 – Short title

19. Section 9 provides that the short title of the Act is the Greyhound Racing (Offences) (Scotland) Act 2026.

SCHEDULE 1: ENFORCEMENT POWERS (INTRODUCED BY SECTON 3)

20. Schedule 1 makes detailed provision concerning the Act's enforcement powers.

21. The definition of "relevant offence" in paragraph 1 means that these powers can be used in relation to any offence under the Act, other than the offence contained in paragraph 15 of the schedule itself.

22. Paragraph 2 allows a constable to enter any premises other than domestic premises without a warrant if there are reasonable grounds for suspecting that an offence has been or is being committed. The definition of "constable" is set out in section 7. Definitions of "premises" and "domestic premises" are set out in paragraph 1. The definition of "premises" includes land. By virtue of schedule 1 of the Interpretation and Legislative Reform (Scotland) Act 2010, land includes buildings and other structures.

23. Paragraph 3 provides that a sheriff or justice of the peace may grant a warrant if satisfied that the requirements set out in that paragraph are met. By virtue of section 45 of the Courts Reform (Scotland) Act 2014, the power to grant a warrant will extend to a summary sheriff.

24. Paragraph 4 sets out what that warrant would allow a constable to do.

25. Under paragraph 5, a constable may enter premises (other than domestic premises) and search for, examine and seize items without a warrant if it appears that a delay would frustrate the purpose for which the powers to be exercised (for example, if items of evidence might be moved or destroyed).

26. Paragraph 6 sets out the circumstances in which a greyhound can be seized. A greyhound can only be seized if in the possession or control of the person the constable believes has committed, or is committing, the offence, and if the constable considers the greyhound is necessary for use in proceedings for a relevant offence, or for enabling the greyhound to be forfeited in accordance with Part 2 of the Proceeds of Crime (Scotland) Act 1995.

27. Paragraph 7 provides that a thing seized (in exercising the powers set out in paragraphs 4(b) or 5(2)(b) of the schedule) must be returned when it is no longer required to be used in proceedings or to be forfeited under Part 2 of the Proceeds of Crime (Scotland) Act 1995. This does not apply to perishable things which no longer have any commercial value.

28. Paragraph 8 provides that a constable in uniform may stop and detain a vehicle or vessel for the purposes of exercising a power under this Act (for example, if a constable believed a greyhound relevant to an offence was located in car, caravan or boat).

29. Paragraphs 9 to 12 and 14 make supplementary provision in relation to powers of entry and associated powers.

30. Paragraph 13 requires the persons specified in sub-paragraph (2) to comply with any reasonable direction made by a constable and in particular to give such information and assistance as the constable may reasonably require. Contravening this requirement is an offence under paragraph 15. Paragraph 15 also makes it an offence to intentionally obstruct a constable exercising a power under schedule 1. Paragraph 15 sets out maximum penalties for these offences (note that level 5 on the standard scale is, at time of writing, a maximum of £5,000).

31. Paragraph 16 provides that the powers conferred by schedule 1 do not affect any powers conferred on constables apart from the schedule (for example, in another Act).

SCHEDULE 2: MODIFICATION OF ANIMAL HEALTH AND WELFARE (SCOTLAND) ACT 2006 (INTRODUCED BY SECTION 4)

32. Schedule 2 modifies the 2006 Act so that the provisions in that Act in relation to deprivation orders (section 39), disqualification orders (section 40) and seizure orders where disqualification is breached (section 41) are applied to offences under section 1(1) or 2(1) of this Act.

33. Section 39 of the 2006 Act (deprivation orders) enables a court on convicting a person of a relevant offence to make an order, in addition to or instead of any other penalty, depriving an animal owner of possession or ownership (or both) of an animal.

34. Paragraph 1(2) amends this section so that offences under section 1(1) and 2(1) of this Act are relevant offences, and therefore if a person is convicted of those offences then a deprivation order can be made to deprive the person of possession or ownership of a greyhound.

35. Section 40 of the 2006 Act (disqualification orders) enables a court on convicting a person of a relevant offence to make an order in addition to, or instead of, any other penalty and disqualifying that person from one or more activities relating to animals.

36. Paragraph 1(3)(a) inserts subsection 7A into section 40 of the 2006 Act. This provides that for the purposes of this Act, disqualification orders may only be made in relation to greyhounds.

37. Section 41 of the 2006 Act gives the court power, where it is satisfied that a person subject to a disqualification order owns or keeps any animal in breach of that order, to make an order that the animals so owned or kept be seized. Paragraph 1(4) amends this section to enable a constable or prosecutor to apply for a seizure order, where the breached disqualification order is in relation to an offence under section 1(1) or 2(1) of this Act.

PARLIAMENTARY HISTORY

38. The following table sets out, for each Stage of the proceedings in the Scottish Parliament on the Bill for this Act, the dates on which the proceedings at that Stage took place, and references to the Official Report of those proceedings. It also shows the dates on which Committee reports and other papers relating to the Bill were published, and gives references to those reports and other papers.

PROCEEDINGS AND REPORTS	**REFERENCE**
BEFORE INTRODUCTION	
Draft proposal – lodged 7 February 2024 Final proposal – lodged 26 June 2024	Proposed Prohibition of Greyhound Racing (Scotland) Bill
INTRODUCTION	
Bill (as introduced) – 23 April 2025	SP Bill 65, Session 6 (2025)
SPICe briefing on Bill (as introduced) – published 30 October 2025	SPICe briefing SB 25-53
STAGE 1	
(a) Lead committee – Rural Affairs and Islands Committee	
30th Meeting, 2025, 5 November 2025	Columns 8-33
31st Meeting, 2025, 12 November 2025	Columns 38-60
Stage 1 report – published 22 January 2026	2nd Report, 2026 (Session 6)
(b) Delegated Powers and Law Reform Committee	
Report – published 25 June 2025	52nd Report, 2025 (Session 6)
(c) Consideration by the Parliament	
Stage 1 debate – 29 January 2026	Columns 87-111
STAGE 2	
Rural Affairs and Islands Committee	
Stage 2 proceedings – 18 February 2026	Columns 1 - 8
Bill (as amended at Stage 2) – 18 February 2026	SP Bill 65A, Session 6 (2026)

PROCEEDINGS AND REPORTS	**REFERENCE**
AFTER STAGE 2	
Delegated Powers and Law Reform Committee	
Report – published 5 March 2026	26th Report, 2026 (Session 6)
STAGE 3	
Consideration by the Parliament	
Stage 3 proceedings – 18 March 2026	Columns 26-32
Bill (as passed) – 18 March 2026	SP Bill 65, Session 6 (2026)
ROYAL ASSENT	
14 May 2026	Greyhound Racing (Offences) (Scotland) Act 2026 (asp 15)

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