



Environment and Rural Development Committee

31st Meeting, 2005

Wednesday 30 November 2005

The Committee will meet at 10.00 am in Committee Room 2

1. **Environmental Levy on Plastic Bags (Scotland) Bill (in private):** The Committee will consider a further draft report.

Not before 11:00 am

2. **Animal Health and Welfare (Scotland) Bill:** The Committee will take evidence at Stage 1 from—

Panel 1

Robin Anderson, President, Institute of Auctioneers and Appraisers in Scotland;

Andy McGowan, Industry Development Manager, Quality Meat Scotland;

George Milne, Secretary, Scottish Region, National Sheep Association;

Eddie Harper, Chairperson, Livestock Group, Road Haulage Association;

Panel 2

Nigel Miller, Chairman, Livestock Committee, NFU Scotland;

Jackie McCreery, Legal Adviser, Scottish Rural Property and Business Association; and

Professor Stuart Reid, Royal Society of Edinburgh.

3. **Subordinate legislation:** The Committee will consider the following negative instruments—

the Sea Fishing (Enforcement of Community Control Measures) (Scotland) Amendment Order 2005, (SSI 2005/552);

the Plant Health Fees (Scotland) Amendment Regulations 2005, (SSI 2005/555); and

the Less Favoured Area Support Scheme (Scotland) Regulations 2005, (SSI 2005/569).

Mark Brough
 Clerk to the Committee
 Direct Tel: 0131-348-5240

The following papers are attached:

<u>Agenda Item 1</u>	
Draft report (<i>for members only</i>)	ERD/S2/05/31/1a
<u>Agenda Item 2</u>	
Briefing paper (<i>for members only</i>)	ERD/S2/05/31/2a
Submission from the Institute of Auctioneers and Appraisers in Scotland	ERD/S2/05/31/2b
Submission from Quality Meat Scotland	ERD/S2/05/31/2c
Submission from the National Sheep Association	ERD/S2/05/31/2d
Submission from the Road Haulage Association	ERD/S2/05/31/2e
Submission from NFU Scotland	ERD/S2/05/31/2f
Submission from the Scottish Rural Property and Business Association	ERD/S2/05/31/2g
Submission from the Royal Society of Edinburgh	ERD/S2/05/31/2h
<u>Agenda Item 3</u>	
The Sea Fishing (Enforcement of Community Control Measures) (Scotland) Amendment Order 2005, (SSI 2005/552)	ERD/S2/05/31/3a
The Plant Health Fees (Scotland) Amendment Regulations 2005, (SSI 2005/555)	ERD/S2/05/31/3b
The Less Favoured Area Support Scheme (Scotland) Regulations 2005, (SSI 2005/569)	ERD/S2/05/31/3c

SUBMISSION FROM THE INSTITUTE OF AUCTIONEERS AND APPRAISERS IN SCOTLAND

The Institute of Auctioneers & Appraisers in Scotland (IAAS) would firstly like to thank you for the opportunity to respond to the Scottish Parliament Environment and Rural Development Committee consultation on the Animal Health and Welfare (Scotland) Bill.

The IAAS represent all Scotland's live auction markets whose fourteen corporate auction members operate twenty regular livestock markets along with additional seasonal markets and have a current throughput in excess of three million sheep and seven hundred thousand cattle annually with a value of almost four hundred million pounds. The nature of the livestock auction business means that we run a very open and transparent system. Our sales are regularly attended by Trading Standards officers, SSPCA officers and State Veterinary Service officials. Our auction markets work very closely with these three bodies and recognise their importance. Every market in Scotland is Farm Assured under the current Quality Meat Scotland Farm Assurance standards.

It is also important to note at this point that auction marts were instrumental in ensuring that each and every market has its own Animal Welfare Officer who is responsible for ensuring that the highest standards of welfare are operational within that organisation. These officers have been in place for the past 15 years and serve a very worthwhile position.

As you will understand Animal Health and Welfare is one of the most important topics which affect our business, and indeed our members have all embraced this and ensure that the highest standards of Health and Welfare are applied while the animals are in our markets. We therefore welcome the proposed Animal Health and Welfare (Scotland) Bill that now provides the opportunity to update some of the older legislation, given that things have moved on dramatically in recent years. The following comments which I provide are therefore linked to specific areas which are of particular importance to the auction sector.

Bio Security

The IAAS have recently worked very closely with SEERAD officials to draw up a clear guidance on operating practice for auction marts with specific issues relating to bio security. Unfortunately a single bio security code will not and does not cover every eventuality, it would be impossible to draw up such a code, however it is important that flexibility is allowed to be used in relation to any bio security code which is drawn up and that the local veterinary officials must have a clear guidance and input to these bio security codes.

Licensing of Livestock Markets and Animal Gatherings

As I have stated earlier, Scottish auction marts are all members of the QMS auction market assurance scheme and are subject to weekly scrutiny by SVS, Trading Standards and SSPCA. Auction markets also have annual meetings with SVS officials to discuss how markets will operate throughout the forthcoming year. Given the current level of supervision by these outside bodies then it would be fair to say that licensing certainly

would pose a very little problem for Scottish livestock auction markets. However, one has to ask what this would actually achieve given the current compliance within the industry.

Great mention is made throughout the new Bill as to whether other gatherings could or should be included. We are strongly of the view that animal gatherings should be licensed and these gatherings should have the same standards and controls which are in place at all live auction markets. Why should they be any different given that the most important element is the fact that animals are being gathered together. By licensing one sector, say auction markets, then it will only drive farmers to trade stock by other methods to avoid supervision by officials when they attend markets. If one sector of the industry is to be licensed then all animal gatherings must also be licensed likewise. The big problem is that with auction markets we know exactly where and when the markets will take place unlike collection centres and dealers yards where animals are moving on and off on a 24 hour 7 day a week basis with absolutely no control in place whatsoever.

One of the big problems is on the subject of Dealers, there is no doubt that Dealers play an important role in the trading of livestock but there is a major question over the definition of a Dealer which must receive further consideration. Some Dealers have ducked this issue in the past by calling themselves Agent, claiming that they never own the animals and are only responsible for the price setting and organising delivery but our opinion is that if they are involved in trading livestock then they should be working to the same rigid standards that are applied to ourselves. Similarly many haulage contractors use their own yards as collection centres for making up loads, again operations such as these must also be similarly licensed and comply with all the relevant legislation over animal gatherings.

Immutilations

I feel that this is not clearly enough defined within the proposed Bill and are of the strong view that the statement is too general and requires clarifications. Other particular areas of concern relate to the continuance of operations such as tail docking castration and de-horning operations that all deliver welfare and health benefits to livestock and these practices should be allowed to continue to avoid more serious problems at a later stage of the animal's life. It would be fair to say however, we support a requirement for veterinary input into this decision through animal health planning.

Animal Welfare Body

We note the comments in the Bill relating to the setting up of Scotland's own Animal Welfare Body but are of the opinion that given there is a long standing advisory group currently in existence, The Farm Animal Welfare Council, then we would support a move to ensure that FAWC report to SEERAD as well as DEFRA. Such a move would ensure that the same relevant information was being disseminated throughout the whole country.

SUBMISSION FROM QUALITY MEAT SCOTLAND

Thank you for the opportunity to submit evidence to the Environment and Rural Development Committee with regard to the proposed bill.

Quality Meat Scotland is the economic development body for the red meat industry, charged with improving the profitability of the industry through promotion and technical support. We are funded by a statutory levy on all cattle, sheep and pigs slaughtered in Scotland. Amongst our varied activities, we operate six EN45011 accredited consumer assurance schemes with more than 11,000 members in total. These schemes cover the meat supply chain and provide independent inspection of farms and other related businesses in terms of food safety, animal welfare and environmental protection. The Scottish Society for Prevention of Cruelty to Animals sit on all the committees charged with managing the schemes and their inspectors also accompany our assessors on a proportion of the visits. We therefore have practical experience of enforcing many of the aspects proposed in the bill within the Scottish red meat sector.

Animal health and welfare is one of the specific areas of responsibility allocated to Quality Meat Scotland under the 1967 Agriculture Act and we therefore have a great interest in this proposed bill. We welcome the proposed Animal Health and Welfare (Scotland) Bill that provides the opportunity to update what is in some cases very old legislation to take account of recent events such as the Foot and Mouth Disease outbreak of 2001. My comments are therefore limited to some specific areas that may benefit from clarification:

Biosecurity Codes

We agree that, in the middle of a disease outbreak, the Minister cannot afford to wait and go through a full consultation on the proposed Biosecurity Code before introducing it. However, the Biosecurity Code for each disease should be included as part of the contingency plan which are routinely sent for consultation. A generic Code will not work as the biosecurity requirements differ according to the nature of transmission. For example, Foot and Mouth Disease requires much more stringent biosecurity requirements than Avian Flu because the infective agent is airborne whereas Avian Flu can only spread by direct contact with infected material.

Gatherings

All Scottish auction markets are members of the QMS Auction Market Assurance scheme, an independent assurance scheme accredited to EN45011 by the United Kingdom Accreditation Service. This includes an annual inspection and additional spot checks. Licensing would therefore pose

little problem for the Scottish auction markets, but it is debatable whether it is actually required, given the 100% coverage of the assurance scheme.

This scheme has also given much consideration to whether other gatherings could, or should, be included. The formidable difficulty that has been faced is how to identify a collection centre. It has no specific legal status and in practical terms, it is almost impossible to identify whether a site is a collection centre or simply a farm where the owner has purchased stock for finishing from a large number of different farms. This issue will pose a significant practical challenge to the aim of the Bill in extending the coverage of welfare legislation to cover dealers and collection centres.

Mutilations

Clarification is required about the scope of the permitted mutilations. Tail docking and castration are the two 'mutilations' in widespread use in the Scottish cattle and sheep industries and with good reason. Tail docking is a preventative measure against fly strike and castration avoids unwanted pregnancies amongst stock destined for slaughter and poor meat eating quality. It is essential that these practices are allowed to continue to avoid more serious health and welfare problems at a later stage of the animals life, although we would support a requirement for veterinary input into this decision through animal health planning. This would then make them 'for the purpose of medical treatment of the animal'. A similar approach is already in place for teeth clipping and tail docking in pigs where veterinary authorisation is required.

Animal Welfare Body

Whilst it is important that the Minister receives input from qualified bodies on animal welfare, consideration should be given to utilising existing groups rather than setting up a new one. The Farm Animal Welfare Council is a long-standing advisory group to MAFF and following devolution to DEFRA. It may be possible to broaden the remit of FAWC to include reporting to SEERAD too.

SUBMISSION FROM THE NATIONAL SHEEP ASSOCIATION

ANIMAL HEALTH AND WELFARE (SCOTLAND) BILL

NSA Scottish Region is pleased to be given the opportunity to submit evidence to the Environment and Rural Development Committee with regard to the proposed Bill. The NSA represents Scottish sheep producers and will respond to issues in the Bill which will specifically affect the sheep industry and the ability to have a viable future under the new Bill.

We would first of all like to point out that by having a healthy Scottish flock it must take into account the fact that keeping and producing sheep must be financially viable. Maintaining viability will ensure that high welfare standards will also be maintained. With this in mind, the NSA broadly supports the proposals outlined in the Bill, and strongly supports high standards of animal health and welfare at all times.

There are, however, four areas that the NSA would like to highlight.

- 1) Castration and tail docking is essential in the sheep industry. Male lambs must be castrated otherwise this will lead to female lambs becoming pregnant at a very young age and causing massive welfare issues. Tail docking is also necessary to prevent dirty tails and fly strike in lambs, which can cause severe discomfort and stress to sheep of all ages.
- 2) Gatherings are required in the sheep industry for sales. Bringing together sheep from different holdings to be sold in one place is essential to provide quality groups and prices for the viability of the sheep industry.
- 3) Compensation. In the event of disease compensation being paid, it is vital that the rate paid is a true and fair value of the animals involved.
- 4) Transportation. It should be noted that sheep movements around the country are carried out to a much higher standard now than previously. Now ventilated lorries assist the welfare of the animals.

SUBMISSION FROM THE ROAD HAULAGE ASSOCIATION

**EVIDENCE TO THE ENVIRONMENT AND RURAL DEVELOPMENT
COMMITTEE ON THE ANIMAL HEALTH AND WELFARE (SCOTLAND) BILL**

The Road Haulage Association would like to thank you for the opportunity to comment and give its views on the Animal Health and Welfare (Scotland) Bill.

It is worth noting that the majority of the content of the Bill would concern the health and welfare of the animals before and after being transported and as you are well aware it is an offence already to transport any animal which causes or is likely to cause injury or unnecessary suffering to that animal.

The association would see the Bill as representing well needed modernization of existing law in regard to farm animals. We believe that this would ensure an animal's welfare before, during and after transportation

We would wish however to bring to your attention that whilst the bill covers the Health and Welfare of all animals our views would be mainly for the effects that any of the Bill would have on the animals that our Members deal with which would largely be farm animals .

Under this section we would also like to see clarification as to whether the horse is classed as an agricultural animal or not .

The Bill will in our estimation greatly enhance the powers of enforcement agencies to be able to deal with the welfare of animals. However concern would be raised as to whether additional financial resources will be available for the enforcement authorities to support this endeavor – if they are under funded it will only weaken the benefits that this legislation should bring to the welfare of animals.

This is a concern of the transport sector. We already have the problem where many local authorities do not have experienced farm animal inspectors or the funding to put them in place.

The following is a very good example of under funding .You will be aware we have new transport legislation coming in, particularly for long distance transport, the main problem with the present legislation is that it has not been enforced or consistent and this has been due in the main because of lack of funding of the legislation in other EU states besides our own.

We believe that the bill does have a reliance on the veterinary profession delivering the opinion on the health and welfare of the animals, this obviously has to be the case however it is our concern that vets, particularly those with large animal experience, are declining in numbers. We are certainly not questioning their

profession but we do see a problem with more and more veterinary practices going to companion animals rather than farm animals.

The Road Haulage Association welcomes the inclusion of the Five Freedoms into the legislation, it is something that we already use in our driver training programs and believe it has and will continue to have a positive impact on the health and welfare of all animals.

Bio Security Code.

As the 2001 FMD outbreak proved FMD was spread very quickly UK wide – this was in the main because of the ability to travel very long distances in a relatively short time. The extent to which animals are transported would have a very great impact on any disease outbreak.

We believe that any bio security code made within the Bill must include powers for an immediate standstill of all animal movements and under this power we would also support the stopping and inspection of vehicles in infected areas.

We also see that the Bill could require the licensing of activities where animals are collected, bought and sold.

As a past Member of FAWC (Farm Animal Welfare Council) I would ask that the recent report of the Welfare of Farmed Animals at Gatherings which calls for a single piece of legislation for such gatherings to be considered. This has been an in-depth study of all gatherings whether Markets, Dealers, Hauliers yards or any other place where animals are brought together.

There are many other parts of the Bill which do not directly impinge on the transport of animals , however, as you are no doubt aware the transport industry is very well regulated with sources such as QMS (Quality Meat Scotland) and ABM (Assured British Meat) which ensures the highest Health and Welfare of the animals we transport.

These comments may be out of context to the order they occur in the Bill

SUBMISSION FROM NATIONAL FARMERS UNION SCOTLAND

Summary

1. This submission is in response to the consultation: "Draft Animal Health and Welfare (Scotland) Bill."

The NFU Scotland (NFUS) view of this proposal is that we broadly support the legislative proposals outlined in the Bill, which aim to:

- Enhance the ability to respond to exotic (foreign) disease outbreaks;
- Minimise the risk of disease spread;
- Introduce a duty of care on keeping animals; and
- Allow animals either suffering or in danger of suffering to be seized.

Part 1: Animal Health

2. In response to the particular questions posed in the consultation, NFUS would make the following responses:

Q1 - Do you agree that Scottish Ministers should have greater flexibility of action to deal with foreign, fast spreading animal diseases? Q2 - Do you agree that, if considered necessary and taking into account veterinary advice, this should include culling animals close to an area already affected by a fast spreading disease?

NFUS would support a flexible approach to dealing with exotic disease.

However, any approach must be proportionate to the scale of the outbreak and pragmatic in the response. The particular example given of the distance over which FMD virus may travel is extreme and unlikely. A flexible approach within the infected area (IA) is reasonable. Outside the IA, there should be greater stakeholder involvement in any decision making process, particularly where measures such as contiguous cull or vaccination are being considered. Veterinary advice should not be restricted to the State Veterinary Service (SVS) but involve local veterinary practitioners working in the IA.

NFUS members have expressed support for contiguous culls when used in front of an outbreak to halt the spread of disease outwards. However, there were reservations about implementing a contiguous cull policy retrospectively behind the disease. NFUS also has significant reservations about a 'vaccinate to slaughter' policy.

NFUS policy on disease compensation is that rates must fully reflect the true market value of the animal. Current proposals on a table valuation system do not reflect the true market values in Scotland. Compensation arrangements must be clearly defined and explained at the outset of any outbreak. NFUS fully supports accountability in compensation arrangements but reassurances on fair valuation are essential if there is not to be an impact on timely control of the disease, full co-operation of farmers, unrestricted access and proper disease reporting.

The list of applicable diseases must be subject to review on a regular basis subject to epidemiological advice.

Q3 - Do you agree that under certain circumstances, vaccinated animals may be slaughtered?

Ring vaccination to slaughter is deeply unpopular. NFUS recognises that in extreme circumstance, when animals at risk cannot be properly disposed of, ring vaccination to slaughter may have a role but only as a last resort. Work should also be carried out to identify the period in which a vaccinated animal remains a risk to non-vaccinates. The time period over which vaccinates are deemed to have carrier status is maintained is critical. SEERAD should be proactive in urging international bodies such as the OIE to identify protocols for allowing vaccinated animals back into the food chain. If ring vaccination is to be used, only marker vaccines should be considered. For a 'vaccinate to live' policy to be adopted, greater resources need to be directed towards sourcing and developing suitable marker vaccines. Work must also be undertaken to investigate any consequences of a 'vaccinate to live' policy which sees vaccinated animals entering the food chain. Government and its agencies may provide reassurances on the safety of products derived from vaccinated animals but there remains the potential for significant market disruption.

Q4 - Do you agree that there should be criminal offences that apply to the new Biosecurity Codes?

Making non-compliance with parts of the biosecurity codes a criminal offence requires further consultation with the industry before adoption. There is some merit in the principle that areas of the biosecurity codes provide guidance in non-disease situations but become statutory during an outbreak. However, it is unclear how this would operate in detail and in practice and further consultation is therefore required. In particular it is vital that individual circumstances are taken into account under disease conditions and any offence identified under non-compliance with statutory parts of the code must distinguish between negligence and any malicious action. During an outbreak, the importance and status of the codes must also be backed by a visible awareness campaign.

Q5 - Do you agree that animal gatherings (including animal dealers) should be licensed to operate?

Animal dealers are a part of the agricultural industry and do, particularly in more remote areas, have a role to play. The definition of a 'dealer' needs to be revisited, particularly with regards to the requirement that the dealer must physically take possession of the animals. Many dealers may never take possession in this manner but act as intermediaries.

Q6 - Do you agree that inspectors should have powers to check for animal disease and, if necessary, take samples for analysis?

Providing biosecurity precautions are taken and a clear reason for entry is given, we support this proposal.

Q7 - Do you agree that it should be possible to vaccinate or treat an animal beyond the current area limit?

NFUS supports the protective vaccination approach but reiterates the point that SEERAD must be proactive in the creation of clear protocols for the introduction of vaccinates to the food chain.

Q8 - Do the 15 specified diseases (listed in Schedule 2B of the Bill) adequately cover any offence under section 9 (deliberate infection of animals with disease)?

Yes but this should be subject to regular review.

Q9 - Do you agree that it is necessary to clarify and extend the powers to seize and safely dispose of carcasses?

While supporting the proposal, NFUS would seek further clarification on when, with regards to TSEs, would the Executive envisage such powers being used. Regarding compensation arrangements, we refer to our earlier comments.

Q10 - Do you agree that it should be a crime to infect deliberately an animal with a disease?

NFUS believes that this requires further consideration. In the case of notifiable diseases, this would be wholly appropriate. However, there are some non-notifiable diseases applicable to a number of species where deliberate exposure to disease, possibly at an early age, is an important tool in disease management.

Q11 - In the above circumstances, do you agree that the courts should have the power to ban those convicted from future keeping of, or dealing in, animals?

NFUS is supportive of the proposal.

Q12 - Do you agree with Scottish Ministers' proposed powers to deal with TSEs?

The measures proposed are appropriate, as part of a contingency plan to deal with TSEs but regular reviews of this area must be undertaken to ensure they remain proportionate and relevant. Any measures introduced must take into account reducing TSE risk from existing measures in place, future progress on diagnostics, epidemiological findings and risk based analysis. Any decision on genotypes to be slaughtered must be taken in consultation with the industry.

Q13 - Do you agree that these powers of entry are needed?

While powers of entry are required, any inspectors entering a premise must fully consider the biosecurity implications for that premise. As an example, for pig and poultry units, inspectors should have been clear of contact with the species for the appropriate length of time. Similarly, consideration should be given to biosecurity when entering cattle and sheep units involved in various health schemes.

Q14 - Do you agree that vehicles can be stopped in a disease infected area, with police in attendance?

NFUS supports the proposal but believes that it is appropriate at this time to look at other transport issues within the IA. Consideration should be given to a scheme which co-ordinates vehicular movements within the IA and minimises the number of risk movements. This should restrict the number of companies collecting milk, delivering feed, fertiliser and fuel etc to the number necessary to ensure normal service is maintained with compensation available for those companies whose business is affected. It would also be appropriate that within the IA, proper burial of fallen stock is permitted rather than having collection vehicles for fallen stock entering the IA.

Q15 - Do you agree that animal health legislation should reflect more up-to-date sentencing policy for offences that are committed?

NFUS agrees that a review of sentences is appropriate.

Q16 - Do you agree with the proposed revised arrangements for publishing legal matters?

NFUS agrees

Q17 - Do you agree that animal samples already taken can be used again for other diagnostic purposes - if necessary without the animal keeper's consent?

NFUS supports the re-use of animal samples for other diagnostic purposes but only with the consent of the animal keeper and with the option of the keeper to receive feedback on the outcome of those additional tests. If the Government wishes to retain the confidence of producers, such tests must be carried out in partnership.

3. NFUS is concerned that the proposal did not adequately cover the right to appeal for affected animal keepers. We appreciate that during an outbreak of a fast moving exotic disease, disease control is paramount. However, there is a significant risk of misdiagnosis where veterinary officers have no experience of the disease. If possible, producers should have the option of a second opinion from a vet with experience of the disease. In slower moving diseases, where speed of response is not an issue, the right to a second opinion is more easily deliverable.

Part 2 – Animal Welfare

Q1 - Do you agree with the definitions of "animal" and "protected animal"?

Q2 - Do you agree with the definition of the person who is responsible for an animal?

NFUS accepts the definitions. With regards to responsibility, NFUS believes that further consideration should be given to this. There are a number of scenarios where breeding males can be hired or leased. As an example, under the definition provided, bulls hired by SEERAD as part of the Highlands and Islands bull hire scheme would see the responsibility for welfare remain with SEERAD. Further work on responsibilities is required.

Q3 - Do you agree with the scope of the offence of unnecessary suffering?

NFUS agrees with the definition.

Q4 - Do you agree with the definition of mutilation and with the provision that certain procedures can be carried out if specified in regulations?

NFUS believes that the definition is non-specific and needs further clarification of what constitutes "interference with sensitive tissue or bone structure." For example, is the simple act of inserting a needle to blood sample, the statutory tagging of livestock or the castration of a dog caught by the definition?

While we note that certain routine operations will be permitted if specified by Scottish Ministers in the regulations, we repeat our objection to the term mutilation being used in the case of necessary management practices that deliver health and welfare benefits.

There must be stakeholder involvement in drawing up the list of livestock-based operations that should be permitted - taildocking, tooth clipping, beak and claw trimming, de-tusking, dehorning etc. A long list of on-farm management practices should be permitted because they deliver a lifetime benefit to the health and welfare of the animal or animals involved, and, in some cases, to the health and welfare of those handling them.

Q5 - Do you agree with the scope of the offence of cruel operations and administration of poisons?

NFUS agrees.

Q6 - Do you agree with the scope of the offence of animal fights?

NFUS agrees.

Q7 - Do you agree with the provisions to ensure the welfare of animals?

In principle, NFUS agrees but welcomes the commitment to consultation. At farm level, duty of care should be based on the existing welfare codes for keeping farm animals. NFUS objects to goldplating and any welfare requirements must be based on a sound scientific and veterinary basis and not emotions.

Q8 - Are the powers of Scottish Ministers sufficient and satisfactory to ensure that animal related activities can be adequately licensed and registered?

NFUS agrees. However, any extension of the licencing powers into farmed livestock must involve consultation with the sector.

Q9 - Do you agree that Scottish Ministers could prohibit, by regulation, the keeping of any animal at domestic or specified premises?

NFUS agrees.

Q10 - Do you agree with the scope of the offence of abandonment?

NFUS agrees.

Q11 - Do you agree that there should be a prohibition on the selling of animals to persons under 16 years of age?

While NFUS understands the principle behind the proposal, we would not welcome any legislation, which actively discourages young people from working with and caring for farm animals. A significant number of under-16s will already have responsibility for their own animals on farm. As a compromise, ownership could rest with the under 16 but responsibility could lie with the parent.

Q12 - Do you agree that animals should not be used as prizes unless given in a family context?

NFUS accepts that in general, this should be the case. However, in exceptional circumstance, exemptions should be granted. Several organisations have, in the past, based various promotional or charity activities on the presentation of high value breeding animals as a prize. The health and welfare of such animals is not in question and the recipients of the prize are known producers. In exceptional circumstances, backed by guarantees on the care of the animal and its likely destination, high value animals could be given as prizes.

Q13 - Do you agree with the powers that an inspector or a constable will have to deal with animals in distress?

Q14 - Do you agree with the powers that are available to courts to deal with animals taken into possession?

Q15 - Do you agree with the extent of the powers that are available to courts to deal with animals taken into possession?

Q16 - Do you agree with the provisions which allow an animal to be destroyed?

Q17 - Should Scottish Ministers have powers to make regulations to establish animal welfare advisory bodies and facilitate the co-ordination of bodies that have functions relating to animal welfare?

Q18 - Do you agree with the procedures under which Scottish Ministers can issue animal welfare Codes of Practice and the legal status of these Codes?

Q19 - Do you agree with the provisions of deprivation Orders, destruction Orders, disqualification Orders, breach of disqualification Orders and the suspension of orders pending appeal?

Q20 - Do you agree with the timescales for bringing proceedings for an offence under the Bill?

Q21 - Do you agree that bodies corporate or Scottish partnerships and individuals within them should be guilty of an offence?

NFUS accepts the above.

Q22 - Do you agree with the range of penalties for the different offences?

NFUS accepts the range of penalties proposed but would seek distinction being made between those who are negligent and those guilty of a malicious act.

Q23 - Do you agree that fishing should be excluded from the scope of the welfare part of the Bill?

NFUS agrees that fishing should be exempt.

Q24 - Do you agree with the system for appointing 'inspectors' and that inspectors will not incur civil or criminal liability?

NFUS would be keen to see a system of appointing farm inspectors that ensures that those responsible for welfare enforcement on farm have a basic knowledge of farming systems. A significant number of inspectors are highly skilled but NFUS members believe that this is inconsistent across the country. If local authorities do not possess the necessary skilled staff resource then staff should be shared between local authority areas.

NFUS does not agree that in all circumstances inspectors should not incur civil or criminal liability. Adequate training will help to ensure that any action taken by inspectors will be justified. However, any individual should have a right to recourse should there be inappropriate or malicious action on behalf of the inspector.

Q25 - Do you agree with the powers of entry, search, inspection and seizure which authorised persons will be given?

NFUS agrees.

Q26 - Do you agree with the provisions for making regulations under the Bill?

NFUS agrees.

SUBMISSION FROM SCOTTISH RURAL PROPERTY AND BUSINESS ASSOCIATION

INTRODUCTION

Scottish Rural Property and Business Association (“SRPBA”) welcomes the opportunity to give written and oral evidence to the Committee. SRPBA represents a significant number of owners and managers of land and land-based businesses in rural Scotland, a large proportion of whom rear and keep animals for a variety of purposes, from farming and sporting to companions and pets. The Association, along with all those with an interest in supporting a healthy future for farming, country sports and the rural economy, supports the general principles and sentiment of the Animal Health and Welfare (Scotland) Bill (“the Bill”). Whilst we make some comment on the detail of the Bill, and have some concerns in relation to interpretation, we are not in serious dispute over the underlying principles.

PART 1 - ANIMAL HEALTH

Powers of Scottish Ministers

SRPBA agrees that Scottish Ministers should be able to take a swift and uniform response to disease outbreaks. It is of concern however that the measures are purely reactive. SRPBA would advocate a more proactive approach by taking additional measures and putting in place powers to prevent exotic (foreign) diseases entering the UK in the first place.

The new power of slaughter contained in section 1 is intentionally very wide and enables the Scottish Ministers to kill animals even if they have not been exposed to the disease, there is no suspicion of the animals being affected and even if they have been vaccinated. Potentially this power, used inappropriately, could have unnecessary and devastating consequences for the farming industry. The impact for rare breeds in particular could be significant. We believe the Scottish Ministers should only act to slaughter animals on the balance of veterinary and scientific advice current at the time. Whilst this is what may happen in practice there is no comfort of the requirement to take advice on the face of the Bill. We believe this important check on the power is essential.

Biosecurity Codes

Good biosecurity is fundamental to the prevention and control of the spread of animal disease. We would agree with the concept of statutory codes setting out best practice on biosecurity measures. The Memorandum on Delegated Powers accompanying the Bill indicates that these codes will be designed, among other things, not to disrupt rural businesses. This is a welcome statement. We have doubts however if criminal sanctions are appropriate on the basis of the sample biosecurity code we have seen. To criminalize the failure to record the names of visitors and deliveries, as suggested, appears to be disproportionate.

With rights of responsible access for the general public to the countryside in Scotland, it is important that access takers on land on which animals are or may be present should also have a duty to take responsibility for biosecurity. The Bill is defective in this regard because the statutory codes can only apply to persons who own or keep or are in charge of animals. There is no sanction in the Land Reform (Scotland) Act in relation to irresponsible access taking, such as failing to leave gates as you find them. The good efforts of the farmer or land manager could be thwarted by the irresponsible behaviour of one or two individuals, with very serious consequences for Scotland's biosecurity and animal health.

Animal gatherings

Scottish Ministers will be enabled to make orders relating to the holding of animal gatherings. There is no limit on what measures such orders may include, so this is again a very wide power. The Memorandum of Delegated Powers is confusing. On the one hand it indicates that these orders will be made by negative resolution, but in the same section refers to affirmative procedure being used. This discrepancy needs to be clarified. Events such as agricultural shows and game fairs are a vital element of the rural economy and an important part of rural life. Licensing should not make the holding of such events unduly expensive or bureaucratic.

Vaccination

The Bill proposes to enable inspectors to vaccinate any animal if Scottish Ministers "think fit". Again we feel the Bill should state that such actions could only be taken in response to scientific and veterinary advice, and by qualified personnel. If this power is deemed necessary, it must be accompanied by a publicity campaign to ensure consumers were aware of the safety of vaccinated meat. Otherwise there could be a devastating effect on the meat industry in Scotland, resulting in more imports of meat from outside the UK where welfare standards may not be so stringent.

Compensation

Each instance when a power is given to destroy animals, there are differing provisions dealing with compensation. This will result in the legislation being unnecessarily confusing. SRPBA believes it would be clearer if there was one compensation clause, under which any owner who has suffered loss under any of the provisions in part 1 would be fully compensated. The basis for valuation should be set out clearly. We accept that detailed criteria for each situation cannot be set out in the primary legislation, but the general principle for compensation could be clarified. It is worrying that, as set out in the Memorandum of Delegated Powers, there will be no scrutiny by the Parliament of the orders which will define the compensation rules in each case.

Powers of Entry

The Bill grants wide powers of entry for inspectors. Inspectors should be appropriately qualified and only the police should be entitled to use force to enter premises. Inspections should generally be on prior notice, be no more frequent than is necessary and the disruption to businesses should be kept to a minimum.

PART 2 - ANIMAL WELFARE

General comment

SRPBA supports the Executive in seeking to consolidate, strengthen and clarify the law surrounding animal welfare. Fortunately the standard of welfare of Scottish livestock is amongst the highest in the world. Therefore in framing legislation to deal with the minority who mistreat animals of all types, farmed and non-farmed, the legitimate and lawful farming and sporting activities of the vast majority should not be disproportionately prejudiced by unnecessary or disproportionate regulation. Rural businesses, whether farms or sporting estates, often operate at the margins of financial viability, where even the smallest additional cost could prove fatal. The importance of farming and country sports to the rural economy should not be underestimated, and we are encouraged that the Executive has stated there is no policy intention to affect country sports, and shooting in particular, through this Bill.

Part 2 of the Bill in particular enables the Scottish Ministers to make further secondary legislation on a very wide range of matters. This effectively removes the parliamentary scrutiny of a large amount of animal welfare legislation since the parliament will not have the ability to amend such legislation, but simply approve or reject. This is something we believe the Committee should look closely at to ensure that there is an adequate check on the power of the Executive in making further legislation.

Definition of “animal”

This definition is at the core of Part 2. SRPBA agrees that the definition of “animal” should extend only to vertebrates. The Bill however reserves power for the Scottish Ministers to extend the definition of “animal” to invertebrates and animals from any stage of development. These would be significant extensions to the existing well established law to be entrusted to subordinate legislation.

Definition of Protected Animal

As drafted a “protected animal” will be one which is (a) of a type commonly domesticated in the British Isles, (b) under the control of man (temporarily or permanently) or (c) not living in a wild state. Protected animals have added protection against mutilations, cruel operations, administration of poisons and unnecessary suffering caused by any act. Whilst we can appreciate, and support, the intention behind the definition, there are some unintended situations which will arise.

For example, a rabbit or a mouse which is living in the wild and not under your control, would nevertheless be a protected animal by virtue of the fact that some varieties of this species are commonly domesticated in the UK. It would be entirely possible to commit the offence of causing unnecessary suffering to such a protected animal quite inadvertently by trapping it for example in the course of normal pest control activities.

Definition of person responsible for an animal

Even more central to the legislation is what will be deemed to constitute being “responsible” for an animal. The Bill does not give guidance except that owning an animal and being in charge of it will certainly make you responsible. It is not clear what else will trigger responsibility. It is the Executive’s intention that the offences under part 2 can only be

committed in respect of protected animals, but we feel this is not clear in the drafting of the Bill. In many cases offences are committed if a person is responsible for “an animal”, namely the offences of abandonment, failure to ensure welfare, omitting to do something with results in unnecessary suffering and failing to prevent someone else from doing something to cause unnecessary suffering. The Scottish Ministers also have very wide powers to regulate further for such animals. We feel it should be made clearer that a person can only ever be responsible for a “protected animal”.

In particular, Section 16(5) states that a person’s responsibility does not end if the animal has been abandoned. This is clearly right. However, it may be argued that this provision could cover the release of game birds. These birds are hand reared and so the gamekeeper/owner will be a person responsible during the rearing stage. The birds are gradually released into the wild and are then wild animals, not abandoned. However there is scope for dispute in interpretation and in the distinction between abandonment and release. If it could ever be argued that release was abandonment, then the person who at any time may have been responsible for the animals, would continue to be responsible even when they are wild animals – this cannot be an intended outcome. We feel that unnecessary litigation could be avoided by clearer drafting in the Bill.

Unnecessary Suffering (Section 17)

The new offence imposes a higher standard of care on persons who are responsible for animals than anyone else, and this principle is correct (assuming there are appropriate defences for owners in certain circumstances). According to Section 17 *anyone* can commit the offence by their actions towards protected animals, but responsible persons can also commit the offence by omission and in relation to *any* animal. Again we feel the Executive’s stated intention that this refers only to protected animals is not made clear.

Crucial to the enforcement of this offence however will be interpretation of the considerations to which regard is to be had in determining whether there has been unnecessary suffering. Clear guidance is essential. The Bill provides a defence if a person has taken reasonable steps to prevent the unnecessary suffering. The problem will be in differing interpretations of what is “reasonable” and this will no doubt give rise to litigation on the subject. There should be a clear statement in the Bill intent and/or negligence on the part of the owner will be required before the offence is committed.

Mutilations (Section 18)

This section will make some justified and legitimate farming and equine practices a criminal offence such as dehorning, tail docking of lambs, neutering and castration. We welcome the intention of the Scottish Ministers to immediately exempt certain activities, but the detail of those exemptions needs further scrutiny. The Provisions in the Memorandum on Delegated Powers accompanying the Bill which refer to the exempting regulations are inconsistent. On the one hand there is a stated intention that some normal farm practices will continue to be permitted. This does not include castration of horses, which would presumably therefore become a criminal offence, but does allow freeze branding of horses. We do however welcome the common sense approach to tail docking of working dogs. We would welcome an opportunity to see the draft regulations as soon as possible.

Cruel operations and administration of poisons (Sections 19 and 20)

Whilst we support the principle that performing operations on protected animals without due care and humanity, should be an offence, it is not clear how section 19 interacts with the separate regulation of veterinary surgeons under the Veterinary Surgeons Act and associated statutory instruments. As presently drafted the veterinary surgeon who acts carelessly could be prosecuted under this Bill as well. In addition, the owner could be prosecuted under Section 19, for the negligent work of his veterinary surgeon, given our concerns highlighted above about the definition of “person responsible”. It is highly unlikely that an owner could supervise or be in a position to take any steps to prevent this. We believe, for clarity, there should therefore be certain exemptions from this offence or a defence where there is no intent or negligence on the part of the owner.

Duty to ensure the welfare of animals (Sections 22 and 23)

Once again, SRPBA supports the principle that welfare of animals for which we are responsible should be promoted. However, sections 22 and 23 are potentially the most wide reaching in the Bill and therefore warrant particular scrutiny. These sections go much further than section 17 (duty of care). Whilst the duty of care refers to prevention of unnecessary suffering, section 22 refers to ensuring the “needs” of all animals (whether protected or not) are met. As the Bill is drafted “animal” in this context therefore means all vertebrates, including wild animals and animals not commonly domesticated in the British Isles. The only requirement is that a person is responsible for the animal. As indicated above it may be open to wide interpretation as to when a person is (or ceases to be) responsible for an animal. If it is the Executive’s intention that these sections only cover protected animals, we feel the drafting could make this clearer.

This section could give rise to some nonsensical situations. For example a person may commit the offence towards animals caught in traps for legitimate pest control activities (i.e. protection of other animals, people or property). “Regard” is to be had to the circumstances in determining what reasonable steps need to be taken to ensure the needs of the animal are met. These circumstances “include” any lawful purpose of keeping the animal or lawful activity undertaken. Almost every lawful activity undertaken by man in respect of animals involves to some extent the restriction or limitation of the five “needs” outlined in section 22(3). This does not automatically mean that the welfare of these animals is prejudiced. A person should not be put at any risk of being prosecuted for a criminal offence if he is undertaking a lawful activity, and complying with other relevant regulations governing that activity (for example for transport of livestock). Rather than merely “having regard to”, therefore, it should be an exemption if the needs of the animal were limited or restricted because a lawful activity was undertaken according to current relevant regulations.

Powers of Scottish Ministers - Secondary legislation (Section 23)

Section 23 gives Scottish Ministers further wide powers to issue regulations in relation to the welfare of animals (again, not just protected animals) for which a person is responsible. There is again no qualification to this discretion, so as a check we believe that Scottish Ministers should only be able to issue such further regulations in respect of *protected* animals, and then only if this is a necessary step to deal with a proven issue of animal welfare, and following upon proven scientific and/or veterinary evidence. The ability to create criminal offences by secondary legislation without scientific evidence and the full scrutiny of parliament is, we believe, too wide a power.

Licensing and registration of animal related activities (Section 24)

Once again the Scottish Ministers are reserving to themselves further powers to issue regulations, without any requirement for a proven necessity to be exhibited. It is difficult to comment further without knowing the full detail of all the types of activities which may require licensing or registration. We note that the power can apply to any activity involving animals (i.e. not just protected animals) and their offspring. The same comments as above apply to the interpretation of when a person is responsible. It is also important that the bureaucracy and costs involved in licensing and registration are not so prohibitive as to adversely affect the continued viability of legitimate farming and sporting activities.

Abandonment (Section 26)

Once again SRPBA believes this section was drafted with specific activities in mind and we fully support the principle. However, there should be a clear distinction between abandonment and release. Release of fit and healthy animals (whether from a sanctuary or by a game keeper) which are not being placed in immediate obvious danger, should trigger relinquishment of responsibility. The person releasing such animal should not retain liability for any injury or suffering that animal may sustain once it is returned to a wild state. Despite the assurances in the policy memorandum that Part 2 of the Bill is not intended to cover pheasants or other game birds, we are nevertheless concerned that this policy intention has not been translated clearly into the Bill, particularly given the uncertainty highlighted above in relation to the definition of responsible person. It would be preferable to retain the wording from the existing cruelty offence which states that if a person abandons an animal *“in circumstances likely to cause unnecessary suffering... without reasonable cause or excuse”*, then the offence of abandonment is committed.

Animal welfare Codes of Practice (Section 34)

Section 34 extends the ability to make statutory codes of practice for non-farmed animals. The Executive has acknowledged that no real problem has been identified in relation to rearing of game birds, but we accept in principle that a code of practice may be appropriate for the rearing of birds up to the point of release, in order to bring game rearing in line with poultry rearing. We welcome the Executive's intention to follow the existing voluntary code of practice, which has operated well to date. The Shoot Assurance Scheme currently being developed by the shooting industry also advocates this code, and we would urge Ministers not to introduce a statutory Code until the new voluntary scheme has been given an opportunity to work. Consultation with the industry will be vitally important in compiling a statutory code which will be respected and operable.

The combination of the wide powers to regulate under Sections 22 and 23 together with Codes of Practice which may be used to establish liability for breach of the regulations, could have very wide ranging effects for many farming and sporting interests, and the Scottish rural economy itself. It is therefore vital that all these measures are proportionate and reasonable.

Fishing (Section 45)

SRPBA welcomes the intention to exclude fishing from the remit of this Bill. It however should be made clearer in the Bill (or at the very least in guidance) what is meant by “the normal course of fishing”, as the section is vague as it stands. The policy memorandum states that this means fishing, angling and sea fishing are exempt. This should be made

clearer on the face of the Bill, particularly given the confusion over the definitions of protected animal and when a person becomes/ceases to be responsible for an animal.

Liability of inspectors (Section 46)

Inspectors will have wide powers, including the power to seize animals with the result that the owner or person responsible loses control of it without compensation. It is therefore important that such decisions can only be taken when necessary by qualified persons. This is particularly so in view of the proposal that an inspector may act alone without the police in attendance. In ascertaining what a person deems to be reasonable grounds will depend on his level of knowledge and expertise. Inspectors must be acting on the basis of a suitable level of expertise, and “reasonable” should to be judged accordingly.

FINANCIAL MEMORANDUM AND ACCOMPANYING DOCUMENTS

The financial consequences of this Bill are not fully detailed in the documentation accompanying the Bill. There will be varied and wide ranging costs arising out of the legislation which have not been identified. These may include additional insurance costs e.g. employer liability insurance, additional professional fees and time costs. Any additional financial burden could be very serious for many rural businesses. The Bill and additional regulations cannot be viewed in isolation. They are coming at a time of increasing regulatory burden with measures such as the private water supplies regulations, housing bill, controlled activities regulations etc also affecting rural businesses. The cumulative effect of this regulatory burden must be minimised where possible.

CONCLUSION

The principles of the Animal Health and Welfare (Scotland) Bill are to be supported. Good health and welfare standards are practiced as a matter of course by the vast majority of rural businesses. These businesses should not therefore incur unnecessary bureaucracy or disruption, and we would urge the Committee to ensure that the Animal Health and Welfare Bill achieves the objective of targeting bad practice, whilst not prejudicing legitimate activities and businesses.

SRPBA fully supports the simplification and updating of animal welfare legislation in Scotland. However, where wide powers are given to the Scottish Ministers, there must be appropriate checks and balances. SRPBA would urge the Committee to scrutinise in particular the definitions of “protected animal” and “person responsible” and enable specific exemption where necessary to protect legitimate activities and businesses.

Agenda Item 2

**Environment and Rural
Development Committee**

30 November 2005
ERD/S2/05/31/2h

SUBMISSION FROM THE ROYAL SOCIETY OF EDINBURGH

1. The Royal Society of Edinburgh (RSE) is pleased to respond to the Scottish Parliament Environment and Rural Development Committee consultation on the Animal Health and Welfare (Scotland) Bill. This response has been compiled by the General Secretary, Professor Gavin McCrone, Professor Stuart Reid and the Policy Officer, Dr Marc Rands, with the assistance of a number of Fellows with considerable experience in this area.
2. Overall, the proposals are a positive step forward, subject to the issues raised below. However, in addition, alongside the proposed new legislation on animal health and welfare the government authorities need to put in place measures to reduce greatly the risk of highly contagious viruses from entering the UK, and adopt modern technology to detect and identify the virus responsible rapidly. As we note in the RSE's 2002 Inquiry into Foot and Mouth Disease in Scotland, the nature of the spread of the disease could then be accurately followed and emergency vaccination started without delay if deemed appropriate.
3. This is also an area where the objective of reducing risks to animal health and increasing animal welfare sits uncomfortably with being heavily dependent on the globalisation of the food supply and the importation of animal products from third countries which may not have similar requirements for animal welfare. The different aspects of the consultation paper are now addressed below:

Whether the extent of the powers is appropriate and proportionate

4. RSE: Scottish Ministers should have greater flexibility of action, however, a policy for the effective control of livestock epidemics, as if they were purely an agricultural problem is inadequate. The interests of the agricultural and non-agricultural rural economy may not always point to the same policy being adopted. In future there may well be a choice between different courses of action and if this is so, the effect on all sectors of the economy must be considered to reach a balanced view on the best course of action. In considering their options, the Scottish Executive must take account of the effects on the wider interests of the rural economy and involve the appropriate stakeholders.
5. In particular, one of the problems during the 2001 Foot and Mouth outbreak was that compensation for the financial losses caused by restriction orders (movement, breeding) was inadequate or absent. In the first place, for farms that were culled, the intention was to compensate for the capital represented by the livestock lost, rather than loss of income.

Second, farms which were not culled also suffered because of movement restrictions. Indeed, some of the farmers who suffered most were those in proximity to culled areas, who could neither move nor sell their animals and who sometimes did not have enough feed to maintain them in good health.

Whether the right balance is struck between the need to act quickly to control the spread of disease in the event of an outbreak and the need for checks on these powers, and the consideration of other options

6. The use of culling as means of control of infectious disease in livestock is acknowledged as a valid method and is an approach that cannot be considered in the control of human disease. However, it is not the only option and new approaches will continue to emerge and evolve. As the ultimate sanction, it is testament to other disease control methods and the authorities responsible for their implementation that culling is so rarely invoked.
7. It is appropriate that the zoonotic potential of the disease is considered when decisions are made regarding the implementation of a culling policy.
8. The 2001 outbreak of Foot and Mouth Disease (FMD) has been the trigger for the introduction of more effective livestock disease control measures within the UK, but this outbreak also resulted in slaughter of animals (particularly of sheep), based on mathematical models that have yet to be validated, that took little account of the differences in disease transmissibility between, for example, cattle and sheep, and that are only now under investigation by other groups (e.g. Risk Solutions - Cost Benefit Analysis of Foot and Mouth Controls 2005, a report for DEFRA). A series of recent papers published in the Veterinary Record have raised serious doubts about the efficacy of blanket pre-emptive culling (particularly of sheep), and thus, the use of predictive models as the sole method of defining control strategies during the course of an outbreak. Therefore, the Scottish Executive will need to fully consider the implications of new legislation that empowers ministers, 'if they think fit' to cause any of the major farm animal species to be slaughtered, and to ensure that ministers' thinking is informed by the best available scientific and veterinary advice.
9. The standard practice should stand where Contiguous Premises (CP) may be deemed 'Dangerous Contacts' and, as a result of veterinary assessment, such animals may be slaughtered. However, Scottish livestock tends to be kept on extensive systems, apart from pockets of intensive farming of pigs and poultry and an important issue is the way in which the term "contiguous" is interpreted for this CP cull. In some instances in the 2001 FMD outbreak this meant that animals distant from an Infected Premise (IP) but on a farm that was contiguous, even if there was stock free land or a wood separating the animals, were culled; yet animals much nearer to an IP, but on a holding that was not strictly contiguous, were left unculted. In the midst of an epidemic it is obviously difficult to operate other than by fairly simple rules, but risk needs to be

more carefully assessed, using information about the topography and data on animal populations.

10. For other diseases (e.g. avian 'flu, swine fever etc), where there is a relatively fragmented population with, for larger herds and flocks, a high level of biosecurity, veterinary assessment and advice should be an essential pre-requisite before decisions are made by ministers.

The powers to control the spread of Transmissible Spongiform Encephalopathies (TSEs), in particular the power to require the slaughter of animals of a certain genotype to breed resistance to TSEs

11. There is scientific information about Transmissible Spongiform Encephalopathies (TSEs) in sheep, man, mice and cattle, and progress is now being made on live diagnosis of some TSEs via cerebrospinal fluid proteins.
12. Whilst there is a current breeding programme for sheep to increase their resistance to scrapie, there is a less clear understanding of TSE's and resistance to TSEs in other species. Therefore in the absence of a clear scientific understanding of the situation we have concerns over the scope and potential scale of the powers that are proposed under the legislation.

Additional Information

13. In responding to this consultation the Society would like to draw attention to the following Royal Society of Edinburgh responses which are of relevance to this subject: *A contingency plan for the possibility of BSE in sheep* (January 2002); *Inquiry into Foot and Mouth Disease in Scotland* (July 2002); *National Scrapie Plan: Scrapie Flocks Scheme* (February 2003); *Preparing an Animal Health and Welfare Strategy for Great Britain* (April 2003); *Preparing for a new TB Strategy on bovine tuberculosis* (April 2004); *The UK Contingency Plan for the Possible Emergence of Naturally Occurring BSE in Sheep* (August 2004) and *Draft Animal Health and Welfare (Scotland) Bill* (July 2005). Copies of this response and of the above publications are available from the Policy Officer, Dr Marc Rands (email: mrands@royalsoecd.org.uk) and from the RSE web site (www.royalsoecd.org.uk).

SSI DESIGNATION FORM

SSI Title & No:	The Sea Fishing (Enforcement of Community Control Measures) (Scotland) Amendment Order 2005, (SSI 2005/552)						
Responsible Minister	Ross Finnie, Minister for Environment and Rural Development						
Standing Order	Affirmative	10.6.1(a)		Negative	10.4		✓
		10.6.1(b)			10.5		
	10.6.1(c)		Other	NL		NP	
Lead Committee	Environment and Rural Development		Other Committee				
Purpose of Instrument	This Order amends the Sea Fishing Enforcement of Community Control Measures) (Scotland) Order 2000 to put in place a new regime for effort West of Scotland in light of Council Regulation EC 1954/2003.						

Laid Date	8 th November 2005	40 day date	17 th December 2005
1st SLC Meeting	15 th November 2005	20 day date	28 th November 2005
Lead Committee Report Due	12 th December 2005	Other Committee Report Due	

SE Contact	Sarah Winwood, tel. 44980
Committee Contact	Mark Brough, 85240

For SLC use:

Article 10 Compliance	Breaks 10(1) rule		Breaks 10(2) rule		PO Letter dated		PO Letter received	
Revocations	Revokes				Partially Revokes			
Executive Note	✓	Regulatory Impact Assessment	✓	European Regulations/ Directives	EC 1954/2003			
Additional Information								

SSI DESIGNATION FORM

SSI Title & No:	The Plant Health Fees (Scotland) Amendment Regulations 2005, (SSI 2005/555)						
Responsible Minister	Ross Finnie, Minister for Environment and Rural Development						
Standing Order	Affirmative	10.6.1(a)		Negative	10.4		✓
		10.6.1(b)			10.5		
	10.6.1(c)		Other	NL		NP	
Lead Committee	Environment and Rural Development		Other Committee				
Purpose of Instrument	These Regulations increase the charges made to industry in respect of licensing services chargeable under regulation 4 and Schedule 2 to the Plant Health Fees (Scotland) Regulations 1996.						

Laid Date	8 th November 2005	40 day date	17 th December 2005
1st SLC Meeting	15 th November 2005	20 day date	28 th November 2005
Lead Committee Report Due	12 th December 2005	Other Committee Report Due	

SE Contact	Bob King, tel. 44895
Committee Contact	Mark Brough, 85240

For SLC use:

Article 10 Compliance	Breaks 10(1) rule		Breaks 10(2) rule		PO Letter dated		PO Letter received	
Revocations	Revokes				Partially Revokes			
Executive Note	✓	Regulatory Impact Assessment	✓	European Regulations/ Directives				
Additional Information								

SSI DESIGNATION FORM

SSI Title & No:	The Less Favoured Area Support Scheme (Scotland) Regulations 2005, (SSI 2005/569)					
Responsible Minister	Ross Finnie, Minister for Environment and Rural Development					
Standing Order	Affirmative	10.6.1(a)		Negative	10.4	✓
		10.6.1(b)			10.5	
	10.6.1(c)		Other	NL		NP
Lead Committee	Environment and Rural Development		Other Committee			
Purpose of Instrument	These Regulations, which revoke and replace the Less Favoured Area Support Scheme (Scotland) Regulations 2004, make provision for the implementation of Council Regulation EC 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund.					

Laid Date	11 th November 2005	40 day date	20 th December 2005
1st SLC Meeting	22 nd November 2005	20 day date	1 st December 2005
Lead Committee Report Due	12 th December 2005	Other Committee Report Due	

SE Contact	Alison Greig, ext. 46417
Committee Contact	Mark Brough, 85240

For SLC use:

Article 10 Compliance	Breaks 10(1) rule		Breaks 10(2) rule		PO Letter dated		PO Letter received	
Revocations	Revokes	SSI 2004/70, SSI 2004/218, SSI 2005/64		Partially Revokes				
Executive Note	✓	Regulatory Impact Assessment		European Regulations/ Directives	EC 1257/1999			
Additional Information								