

Health and Community Care Committee

18th Meeting, 2001

Wednesday 27 June 2001

The Committee will meet at 9.30 am in Chamber, Assembly Hall, The Mound, Edinburgh

1. **Items in Private:** The Committee will consider whether to take items 6 to 9 in private.
2. **Time limit on debates:** The Committee will be asked to agree to limit debate on emergency affirmative SSIs to 15 minutes.
3. **Subordinate Legislation:** The Committee will consider the following negative instrument—

The Sweeteners in Food Amendment (Scotland) Regulations 2001 (SSI 2001/212)

and the following affirmative instruments—

The Food Protection (Emergency Prohibitions) (Paralytic Shellfish Poisoning) (West Coast) (Scotland) Order 2001 (SSI 2001/237)

The Food Protection (Emergency Prohibitions) (Paralytic Shellfish Poisoning) (Orkney) (No.2) (Scotland) Order 2001, (SSI 2001/241)

4. **Petitions:** The Committee will consider a report on petitions.
5. **Contacts:** The Committee will consider a report on contacts.
6. **Petition PE 123 by the Warm Homes Campaign on Fuel Poverty:** The Committee will consider a draft report.
7. **Petitions PE 185 and 45 on Haemophilia and Hepatitis C:** The Committee will consider a report on the evidence taken to date.
8. **Report on Petition PE 217 on Single GP Practices:** The Committee will consider a draft report.

9. **Legislation arising from the Scottish Executive's consultation paper “Better Care - for all our futures”**: The Committee will consider a list of possible witnesses.

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Clerk to the Committee
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The Following papers are attached for this meeting:

Agenda Item 3

Abridged 27th Report, 2001 of the Subordinate Legislation Committee

HC/01/18/1

Further information from the Food Standards Agency on amnesic shellfish poisoning

HC/01/18/2

Agenda Item 4

Report on Petitions

HC/01/18/3

Agenda Item 5

Report on Contacts

HC/01/18/4

Agenda Item 6

Report on PE 123 on Fuel Poverty (private paper)

HC/01/18/5

Agenda Item 7

Hepatitis C Report – Possible Future Action (private paper)

HC/01/18/6

Agenda Item 8

Report on PE 217 on Single GP Practices (private paper)

HC/01/18/7

Agenda Item 9

List of possible witnesses (private paper)

HC/01/18/8

Agenda item 3

Health & Community Care
Committee

27 June 2001



The Scottish
Parliament

Subordinate Legislation Committee

ABRIDGED

27th Report, 2001

Subordinate Legislation

The Committee reports to the Parliament as follows—

1. The Committee met on 12th June 2001 and determined that the attention of the Parliament need not be drawn to the instruments listed at Annexe A. The Committee draws the attention of the Parliament to the Executive's responses to points from the Committee on the instruments listed at Annexe B.
2. The report is also addressed to the following committees as the lead committees for the instruments specified:

Health and Community Care

SSI 2001/212

Instruments subject to annulment

The Plant Protection Products Amendment (No.2) (Scotland) Regulations 2001, (SSI 2001/202)

The Sports Grounds and Sporting Events (Designation) (Scotland) Amendment Order 2001, (SSI 2001/209)

The Education (Student Loans) Amendment (Scotland) Regulations 2001, (SSI 2001/210)

The Sweeteners in Food Amendment (Scotland) Regulations 2001, (SSI 2001/212)

Agenda item 3

Health & Community Care
Committee
27 June 2001

Health and Community Care Committee**27 June 2001****Extra information relating to Affirmative instruments SSIs 2001/237 and 2001/241****(SUBMISSION TO THE RURAL AFFAIRS COMMITTEE FROM THE FOOD STANDARDS AGENCY, 22 May 2001)****AMNESIC SHELLFISH POISONING****Purpose**

1. To advise the Committee of recent developments regarding the management of Amnesic Shellfish Poisoning (ASP) outbreaks in Scotland.

Timing

2. Immediate. This information is intended to provide further background information to the Rural Affairs Committee in advance of their meeting on 22 May.

Background

3. Policy responsibility for the monitoring and sampling programme for algal toxins, including ASP, passed to the Food Standards Agency (FSA) on its launch in April 2000. In keeping with the FSA's stated principles, Scottish Ministers have emphasised that the testing regime must ensure that consumers are protected, while also ensuring that the impact on the industry is proportionate to the public health benefits it will deliver. In meetings with FSAS officials, Scottish Ministers have requested that the existing testing regimes are reviewed and alternatives capable of meeting both objectives are looked at. Both the FSAS and Scottish Ministers have listened very carefully to the concerns put to them by the industry, MSPs and MPs, and much progress has been made in moving this issue forward. Given the relative importance of this industry to Scotland FSAS officials have been leading on the development of a UK position, including EU negotiations.
4. In March 2000 an expert group from the Community National Reference Laboratories on Algal Toxins was asked to review implementation of the Council Directives on shellfish hygiene in the Member States. The review concluded that methods of implementation were varied, but also that, in the case of scallops, it may be possible to operate a tiered system. However, in light of the existent data on inter-animal variability, further assessment was required. This report was issued to Member States at the meeting of the European Commission's Standing Veterinary Committee (SVC) on 23 May 2000. Member States were asked to write

to the Commission with their comments. The UK submitted its response on 19 July emphasising the need for sufficient enforcement controls to support the tiered system and requesting an expert working group meeting be convened to progress this issue. The Minister for Health and Community Care also met with Commissioner Byrne on 18 September to discuss the UK's concerns.

5. At the September SVC meeting the UK held bilateral discussions with the Commission regarding the legality of a tiered system within the current Directive framework. Following this meeting and the points put to them by the UK, Commission officials advised that the Directive allowed for a tiered system, but that a Commission Decision, which would have to be adopted by the SVC, would be required to provide a legal base. They also indicated that the SVC would require further scientific assessment to be concluded before such a decision could be tabled for adoption.
6. A further meeting of the scientific expert group of Community National Reference Laboratories on 25 October concluded that there were still a number of scientific issues which needed to be addressed before they could fully support the establishment of a tiered testing system for scallops. Further work was therefore commissioned with a schedule for completion by December 2000.

Discussion

7. The completed report was issued to the Group in December 2000, however, due to various other commitments of the Group members, it was not possible to arrange a meeting to consider it until 3-4 April 2001. The report focused on the chemical and statistical justification for adopting a tiered approach. Much of the data considered was of UK origin and so the picture that emerged was particularly representative of the situation in UK scallop fishing grounds. The final report has yet to be issued, but it is known that the Group concluded that the tiered approach was, in their opinion, justifiable, though it is also known that there a number of conditions which they have suggested should be taken into account in considering the implementation of any such regime.
8. In order to minimise the delay between the outcome of the EU scientific considerations and the possibility of moving to a tiered approach, the FSA (Scotland) developed an Options paper outlining possible alternative approaches for the new regime. Each of which would have to be supported by an enforcement regime capable of ensuring the protection of public health. It is planned to commence formal consultation in Scotland in the next few weeks. Whilst some changes to current rules are likely to be required, it is intended to rely as much as possible on existing legislative provisions, thereby minimising new burdens (bureaucratic or financial) on both industry and local authorities. A full impact assessment will be carried out on any proposed scheme and all affected parties will be given the opportunity to comment on proposals before the Agency provides its final advice to Ministers.
9. There are two other factors of which the Committee should also be aware. The first is of direct consequence to the tiered system and concerns human toxicology. The investigation into the scientific and chemical justification for the tiered approach has also triggered questions in respect of the toxicological risks to humans. This will be tackled in initially through ensuring that there are suitably

robust End Product Standards and End Product Testing arrangements in place. However, it is expected that the Committee on Toxicity (CoT) will examine the toxicological risks of the tiered approach in September this year. Their recommendations may mean that some adjustments to the tiered approach could be required, particularly in respect of the toxin levels above which it is deemed necessary to take some action to protect public health. However, the action levels on which the tiered approach is based are both encompassed within EU law and internationally accepted. Therefore, should CoT table any recommendations which suggest an adjustment to the action levels, it is possible that this could lead to calls for a much wider review both in terms of the current action level for ASP and in respect of the need to consider action levels for other known toxins.

10. The second point is not directly related to the tiered approach but seeks to address concerns raised in Europe. Under previous testing arrangements in GB, it was possible for whole scallops above the action level to be harvested and marketed. This was because it had previously been thought that only the roe (gonad) and the white meat were consumed and that the more toxic hepatopancreas, mantle and gills were not. GB tests were therefore carried out on the gonad and decisions to restrict harvesting were based on these results. More recent information however revealed that the whole animal is used by some Member States to which the UK exports. Advice is therefore now being issued to fishermen not to market whole animals from areas where a whole animal test reveals that action levels are being exceeded. Harvesting for gonad and white meat is not being prevented unless the gonad exceeds the action level.

Recommendation

11. The Committee is invited to note:

- The chemical and statistical backing for the tiered approach was secured at the EU ASP Expert Working Group on 3-4 April;
- FSA Scotland anticipate commencing a consultation exercise on the proposed tiered approach to the harvesting and marketing of scallops in the next few weeks;
- Additional scientific assessment into the toxicological risk of the tiered approach will be considered by CoT in September 2001;
- Where whole animal testing is revealing results above the action levels, scallop fishermen are being advised not to market live animals from these areas. Harvesting for the purposes of processing the white meat and the roe is not being restricted unless the roe exceeds the action.

Martin Reid

Food Standards Agency Scotland

Tel. 01224 285134

May 2001

Agenda item 4

Health & Community Care
Committee
27 June 2001

Health and Community Care Committee

27 June 2001

Petitions

Background

1. Annexe A lists three petitions - two of which have recently been circulated to members. Petition PE 279 is attached to this report. The petitions in Annexe A have been referred to the Health and Community Care Committee by the Public Petitions Committee for information only. Should members require background papers to any of the previously circulated petitions, please request them.
2. The current position regarding ongoing petitions is attached at Annexe B.

Recommendations

3. The Committee is asked to note the petitions listed in Annexe A.
4. The Committee is asked to note the current position regarding petitions shown in Annexe B.

Jennifer Smart
Clerk

ANNEXE A**Health and Community Care Committee****NEW PETITIONS**

Number	Petitioner	Petition subject	Suggested recommendation
PE 279	Mrs Anne Macdonald on behalf of the Kirkcaldy Area Abuse Survivors Project.	Calling for the Scottish Parliament to urge the Executive to recognise the requirement for a central fund, for the establishment of a network of agencies for survivors of childhood sexual abuse, and which will offer security of funding to existing services.	Referred to Committee for information only
PE 354	Councillor Charles Kennedy	Calling for the Scottish Parliament to take a view on the proposals to remove acute medical and surgical services at Stobhill General Hospital, and take whatever further action is appropriate.	Referred to Committee for information only
PE 367	Mr Eric Drummond	Calling for the Scottish Parliament to ensure that adequate and equal services for the diagnosis and treatment of those suffering from sleep apnoea are available throughout Scotland	Referred to Committee for information only

ANNEXE B

Ongoing Petitions

Number	Petitioner	Petition	Current Position
PE 320	John Watson on behalf of World Development Movement	Calling for the Health and Community Care Committee of the Scottish Parliament to examine the possible implications for health policy in Scotland of the World Trade Organisation's liberalisation of trade in services.	John McAllion expressed interest in possibly reporting, subsequent to background research being done by the clerks which has now been done. The Committee is asked to decide whether to appoint a reporter.
PE 283	SORRO (Scottish Organisation Relating to the Retention of Organs)	Calling for the Scottish Parliament to initiate a public inquiry into the practice of organ retention at post-mortem without the appropriate parental consent.	The petitioner has been invited to comment on the Executive's initial report and the Executive have been asked to supply any comments they have received.
PE 45 and PE 185	West of Scotland Group of the Haemophilia Society and Thomas McKissock	Haemophilia and Hepatitis C	Committee reviewed action to date at their meeting on 12 June. Further questions have been put to the Minister and the Committee will consider a report on progress to date in more depth at the 26 June meeting.
PE 145	Mr Bill Welsh	Vaccinations/Autistic Spectrum Disorder	The Committee await the Executive's response to their report on MMR.
PE 123	Warm Homes Campaign	Fuel poverty	Dorothy Grace Elder is working on an initial report to the Committee.
PE 217	Glenorchy and Innishail Community Council	Calling for the Scottish Parliament to take account of the workload and general circumstances of a single General Practitioner in the Parish of Glenorchy and Innishail and appoint an additional part-time partner.	Margaret Jamieson reported to the Committee on 24 April. The report is being finalised for publication.
PE247	Epilepsy Association of Scotland	Calling for the Scottish Parliament to ensure there are co-ordinated health and social services that will benefit the 30,000 people in Scotland with epilepsy.	Committee agreed on 12 December to await Acute Services Review. Petitioner has informed Clerks that discussions with the Scottish Executive have revealed that there is no specific mention of epilepsy in their plans for

			the implementation of the Acute Services Review. The petitioner has therefore requested that the petition be examined on its own merits.
PE223	Mr and Mrs A McQuire	Calling for the Scottish Parliament to ensure that Multiple Sclerosis sufferers in Lothian are not denied the opportunity to be prescribed Beta Interferon.	Agreed on 12 December to await NICE report. SPICe are preparing a note.

Agenda item 5

Health & Community
Care Committee
27 June 2001

The Health and Community Care Committee

27 June 2001

Contacts

1. Background

The Committee previously agreed that invitations from outside organisations, offers of information and requests for inquiries be considered by the Committee prior to any action being taken.

2. Recommendation

The Committee is asked to consider the attached letters and agree action on those which are of interest. Where the Committee does not have an interest in pursuing the matter, it is recommended that the Committee thanks the organisations for their invitations and take no further action at this time.

Jennifer Smart
Clerk

Health and Community Care Committee

CONTACTS FROM OUTSIDE ORGANISATIONS

Offers to meet Committee

Organisation	Name	Subject Matter
Scottish Executive Physical Activity Task Force	John Beattie	John Beattie, the ex rugby player and journalist for BBC Scotland and the Herald, is heading up this Task Force on behalf of the Scottish Executive. He would like to brief the Committee on the work of the task force.
Clydeside Action on Asbestos	Lynda Harry	Raising with the Committee Clinical Trials for those with Mesothelioma
Greater Glasgow Health Board	Prof David Hamblen	Offer to brief Committee on plans to modernise Glasgow's Acute Hospitals
Health Technology Board for Scotland	Karen M Facey	Offer for Committee to meet with Management Board and Senior Staff of the Health Technology Board for Scotland – informal question and answer session

Update

Organisation	Name	Subject Matter
SPICe	Murray Earle	Hospital Acquired Infection