INTRODUCTION

1. This document relates to the Fur Farming (Prohibition) (Scotland) Bill introduced in the Scottish Parliament on 5 October 2001. It has been prepared by the Scottish Executive to satisfy Rule 9.3.3(c) of the Parliament’s Standing Orders. The contents are entirely the responsibility of the Scottish Executive and have not been endorsed by the Parliament. Explanatory Notes and other accompanying documents are published separately as SP Bill 39–EN.

POLICY OBJECTIVES OF THE BILL

2. The objective of the Bill is to prohibit the practice of fur farming. The Scottish Ministers announced on 3 December 1999 that a Bill would be introduced to ban fur farming in Scotland. Legislation to ban fur farming in England and Wales has completed its Parliamentary stages and will take full effect by order made by statutory instrument, but not before 1 January 2003.

3. The Bill is necessary to prohibit the establishment of fur farms in Scotland and to prevent fur farmers in England and Wales from using the absence of a prohibition in Scotland as a loophole and so relocate their businesses to Scotland. At present there are no known fur farms in Scotland.

4. The Bill is grounded on a moral objection to the keeping of animals to exploit them solely or primarily for the value of their fur or for breeding progeny for such slaughter. Within this Bill there is no intention to prohibit the importation or sale of fur or fur products, nor is it intended to prohibit the production of fur or wool that can be clipped or shorn without slaughtering the animal in question.

ALTERNATIVE APPROACHES

5. Under the Destructive Imported Animals Act 1932 (“the 1932 Act”), the Scottish Ministers may make an order prohibiting the importation into or the keeping in Scotland of certain species of animals, either absolutely or except under licence. Such an order may be made in respect of the musk rat or in respect of any non-indigenous mammalian species where, by reason of their destructive habits, it is desirable to prohibit or control the importation or keeping
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of them. By virtue of an order made under the 1932 Act, the keeping of mink in Scotland is either prohibited or may only be carried out under licence (the Mink Keeping (Scotland) Order 2000 (SSI 2000/400)).

6. It was originally suggested that the prohibition of fur farming could be implemented by means of an order under the 1932 Act. On further consideration however it is clear that the power to make an order under the 1932 Act is available only where desirable to control the destructive effects of certain non-indigenous mammals on the environment. The Bill, by contrast, is grounded on a moral objection to the continuation of fur farming. Moreover it would not be possible to regulate all fur farming by means of an order under the 1932 Act because it only confers powers in respect of destructive non-native species. This would not apply to, for example, such animals as the arctic fox.

7. Primary legislation is necessary to prohibit fur farming and there is no reasonable alternative option, beyond licensing but short of the proposed ban, by which the purpose of this Bill could be achieved.

CONSULTATION

8. A public consultation exercise was undertaken on 10 March 2000. Consultees were given 3 months to give their comments on the following proposals:

- to prohibit the establishment of any new mink farms;
- to prohibit the keeping of all animals with a view to their slaughter solely or primarily for the value of their fur;
- to prohibit the keeping for fur of arctic fox, racoon dog, sable and fisher;
- to permit the keeping of all these species for scientific research, rehabilitation and exhibition.

9. Letters were sent to 86 organisations with a possible interest and the consultation paper was placed on the Scottish Executive’s website. The Executive received 22 responses. There was widespread support for the proposal to ban fur farming from a cross section of interested organisations. The two fur trade associations, based in England, objected to the proposals arguing that there were sufficient safeguards in place. The consultation exercise did not elicit a response from any fur farm in Scotland. This helps to confirm the belief that no fur farms exist in this country.

10. On the question of keeping the named species for scientific research, rehabilitation and exhibition, the Scottish Executive concluded that there were other appropriate legislative means to control the named species should the need arise.
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EFFECTS ON EQUAL OPPORTUNITIES, HUMAN RIGHTS, ISLAND COMMUNITIES, LOCAL GOVERNMENT, SUSTAINABLE DEVELOPMENT ETC.

11. The Bill is compatible with the European Convention on Human Rights and makes provision by order allowing for a scheme to be made for paying compensation to existing fur farming businesses affected by the legislation. That order-making power allows for access to appeal to an independent body over any dispute on compensation. The Bill will not have any negative effect on island communities. There will be no effect on local government, equal opportunities or sustainable development.

TECHNICAL STANDARDS DIRECTIVE

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FUR FARMING (PROHIBITION) (SCOTLAND) BILL

POLICY MEMORANDUM

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