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Gillian Martin  
Convenor of the Environment, Climate Change and  
Land Reform Committee  
The Scottish Parliament  
EDINBURGH  
EH9 91SP

17 June 2020

Dear Gillian,

## **ANIMALS & WILDLIFE (PENALTIES, PROTECTIONS & POWERS) (SCOTLAND) BILL**

During Stage 2 of the above Bill on 26 May, in moving amendment 3 (Animal Health Fixed Penalty Notices) Mark Ruskell MSP questioned whether the Scottish Government had any concerns about compliance with the Bees Act 1980 and orders made under that Act. I committed that I would provide further information on this valid point as raised.

By way of background, the Act was introduced to protect the health of bees through the control of pests and diseases that may affect them. Secondary legislation has strengthened measures to control notifiable diseases including European Foul Brood and American Foul Brood through compulsory disease notification and movement controls.

There have been instances of non-compliance with the Act and associated orders made under the Act, such as failing to comply with a formal notice, or failing to comply with movement restrictions. In many cases, the first response of an inspector when non-compliance is brought to their attention is to offer advice, guidance and support in order to secure compliance. However, Fixed Penalty Notices (FPNs), which will be brought in through regulations made under this Bill, will provide enforcement authorities with an additional tool by which to promote future compliance with legislative requirements.

As I reiterated at the Committee session further stakeholder consultation will be undertaken to develop the range of offences to which FPNs may apply in an Animal Health context. In addition, any future regulations that make provision for the issuing of FPNs will be subject to the affirmative procedure and, as such, scrutinised by Parliament before being made.



On another topic, I would like to confirm that a research project on the scientific evidence for sentience in cephalopods and decapod crustaceans is expected to start in the near future after being commissioned by Defra. Scottish Government officials have been involved in considering the tenders received and will be closely monitoring the progress of the research and its conclusions.

The research will involve a review of peer reviewed evidence on the basic science underpinning sentience and the welfare implications of commercial practices throughout the supply chain for the most commercially relevant species of decapod crustaceans and cephalopod molluscs in the United Kingdom.

This research when it is completed should provide a sound basis to consider what further legal protection might be appropriate for the various cephalopod and decapod species, including the possibility of including them in the definition of animals for the purposes of the Animal Health and Welfare (Scotland) Act 2006.

I hope that you find this information helpful.



**MAIRI GOUGEON**