

HEALTH COMMITTEE

Tuesday 10 February 2004
(*Afternoon*)

Session 2

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CONTENTS

Tuesday 10 February 2004

Col.

ITEM IN PRIVATE	607
SUBORDINATE LEGISLATION	608
Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (Scotland) Order 2004 (SSI 2004/21).....	608
Meat Products (Scotland) Regulations 2004 (SSI 2004/6).....	610
Infant Formula and Follow-on Formula Amendment (Scotland) Regulations 2004 (SSI 2004/7)	610
Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Regulations 2004 (SSI 2004/8)	610
COMMITTEE BIDS	611

HEALTH COMMITTEE

† 6th Meeting 2004, Session 2

CONVENER

*Christine Grahame (South of Scotland) (SNP)

DEPUTY CONVENER

*Janis Hughes (Glasgow Rutherglen) (Lab)

COMMITTEE MEMBERS

*Mr David Davidson (North East Scotland) (Con)

*Helen Eadie (Dunfermline East) (Lab)

*Kate Maclean (Dundee West) (Lab)

*Mr Duncan McNeil (Greenock and Inverclyde) (Lab)

*Shona Robison (Dundee East) (SNP)

Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

*Dr Jean Turner (Strathkelvin and Bearsden) (Ind)

COMMITTEE SUBSTITUTES

*Robert Brown (Glasgow) (LD)

Paul Martin (Glasgow Springburn) (Lab)

Mrs Nanette Milne (North East Scotland) (Con)

Ms Sandra White (Glasgow) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Malcolm Chisholm (Minister for Health and Community Care)

CLERK TO THE COMMITTEE

Jennifer Smart

SENIOR ASSISTANT CLERK

Graeme Elliot

ASSISTANT CLERK

Hannah Reeve

LOCATION

Committee Room 2

† 5th Meeting 2004, Session 2 – held in private.

Scottish Parliament

Health Committee

Tuesday 10 February 2004

(Afternoon)

[THE CONVENER *opened the meeting at 14:04*]

Item in Private

The Convener (Christine Grahame): Welcome to the sixth meeting in 2004 of the Health Committee. I remind members to switch off their telephones and beepers. I have received apologies from Mike Rumbles and I welcome to the meeting Robert Brown, who is his substitute.

Item 1 is to consider whether to discuss in private item 5, which is on our work programme, so that we can discuss a number of options that are open to us in relation to our priorities. Do members agree to take the item in private?

Members *indicated agreement.*

Subordinate Legislation

14:05

Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (Scotland) Order 2004 (SSI 2004/21)

The Convener: We come to item 2. I welcome the Minister for Health and Community Care, Malcolm Chisholm, to speak to the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (Scotland) Order 2004, which is subject to the affirmative procedure. Paper HC/S2/04/6/1 has been circulated. Does anyone wish to make any comments on the order before I invite the minister to speak to it?

Mr David Davidson (North East Scotland) (Con): Thank you for the opportunity to speak to the order, convener. I oppose the principles that lie behind what the Executive is doing. I am not against looking after the health interest of the consumer, but as I said to the Deputy Minister for Health and Community Care at a previous meeting, I have obtained a scientific paper about end-product testing, which could change our perspective and how we act in the United Kingdom. The system that I propose is available and acceptable in the European Union. I have asked the deputy minister to meet me with his officials after the recess to discuss the paper in full so that we can progress from the damaging blanket-ban approach that the Executive is pursuing. On that basis, I give notice that I will not support the minister's motion on the order.

Shona Robison (Dundee East) (SNP): I want to put on record my concerns. Although I appreciate the theory behind the precautionary principle, I believe that it is unnecessary to apply it in this case, because as yet there is no evidence of harm. The testing happens at a stage in the process at which it would be too late to act if there had been harm. For those two reasons, I hope that the minister will introduce a different approach, because the process is putting people's livelihoods at risk for no good reason.

The Convener: I associate myself with both sets of comments. I was at a meeting with fishermen in Eyemouth on Friday night and they feel aggrieved because what they consider to be clumsy and unnecessary regulations are being put in the path of prawn fishermen. I support much of what David Davidson and Shona Robison have said, particularly on end-product testing and the fact that no evidence has been produced of serious harm's being caused to anyone who has

eaten the shellfish. I hope that there is movement on this from the point of view of Scotland's fishermen, who are most concerned. No formal debate is required. I ask the minister to speak to and move motion S2M-845.

The Minister for Health and Community Care (Malcolm Chisholm): I am rather surprised by the tone of the comments. The main thing that I want to put on the record is that we believe that we are implementing a measure that is important for public health, which is the key consideration. Secondly, irrespective of what members think about that, it is a requirement of European law. I am surprised that both the Conservative party and the Scottish National Party seem to be oblivious to that fact. The tone of the comments suggested that somehow we were acting differently to the rest of Europe. The Food and Veterinary Office of the European Commission assessed our implementation of the order and produced a positive report that noted that the controls that are in place throughout the United Kingdom leave no major deficiencies in the protection of public health.

There are issues about end-product testing and possible changes in 2006 that might be related to the points that David Davidson made. There are still discussions to be had about end-product testing and monitoring, but the point is that the monitoring is required by European law and we are following the law in that respect. We also believe that the measure is necessary for public health. It may be that because we have an effective system in place we do not have recorded cases, although equally we know that people might suffer as a result of eating shellfish, but that such cases are not necessarily recorded because people regard that as being something that just happens. I am surprised by the comments, but I have responded to them appropriately.

The Convener: Before you move the motion, minister, I have to say that I am surprised that you are surprised, because virtually the same comments were made to your deputy on the most recent occasion on which we discussed a similar instrument. The comments have all been made previously.

Malcolm Chisholm: I never cease to be amazed by the comments.

Today's motion concerns an emergency order that will ban harvesting of king scallops in waters off the west coast of Scotland. The order has been triggered by the finding of amnesic shellfish poison at a level that is above the action levels that have been set by Europe. The order is a consumer safety and public health measure, as shellfish that contain high levels of the toxin can cause illness in humans ranging from nausea, vomiting and headaches to short-term memory loss and, in extreme instances, even death.

I move,

That the Health Committee recommends that the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (Scotland) Order 2004 (SSI 2004/21) be approved.

The Convener: The question is, that motion S2M-845 be agreed to. Are we all agreed?

Members: No.

The Convener: There will be a division.

For

Brown, Robert (Glasgow) (LD)
Eadie, Helen (Dunfermline East) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Maclean, Kate (Dundee West) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

AGAINST

Davidson, Mr David (North East Scotland) (Con)

ABSTENTIONS

Grahame, Christine (South of Scotland) (SNP)
Robison, Shona (Dundee East) (SNP)

The Convener: The result of the division is: For 6, Against 1, Abstentions 2.

Motion agreed to.

Meat Products (Scotland) Regulations 2004 (SSI 2004/6)

Infant Formula and Follow-on Formula Amendment (Scotland) Regulations 2004 (SSI 2004/7)

Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Regulations 2004 (SSI 2004/8)

The Convener: I refer members to paper HC/S2/04/6/1, which is on the three instruments that are subject to the negative procedure that we have to consider. They are the Meat Products (Scotland) Regulations 2004 (SSI 2004/6), the Infant Formula and Follow-on Formula Amendment (Scotland) Regulations 2004 (SSI 2004/7) and the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Regulations 2004 (SSI 2004/8).

The Subordinate Legislation Committee has commented on the three instruments in its report, which members have seen. No members' comments have been received and no motion to annul has been lodged. The recommendation is that we do not have a recommendation to make in relation to the instruments. Is that agreed?

Members indicated agreement.

Committee Bids

14:12

Meeting continued in private until 14:29.

14:11

The Convener: We move on to item 4. I refer members to paper HC/S2/04/6/2, which has been circulated and is on progress on the two bids. I am glad to say that both bids were successful and that we can now proceed with both the items to which they relate. I ask members simply to note the paper, unless anyone wants to make comments. Does anyone wish to make comments?

Members *indicated disagreement.*

The Convener: Thank you. That completes our public business.

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