

RURAL AFFAIRS COMMITTEE

Tuesday 15 February 2000
(*Afternoon*)

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2000.

Applications for reproduction should be made in writing to the Copyright Unit,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now
trading as The Stationery Office Ltd, which is responsible for printing and publishing
Scottish Parliamentary Corporate Body publications.

CONTENTS

Tuesday 15 February 2000

Col.

SEA FISHING (ENFORCEMENT OF COMMUNITY CONTROL MEASURES) (SCOTLAND) ORDER 2000 (SSI 2000/7)	375
SEA FISHING (ENFORCEMENT OF COMMUNITY SATELLITE MONITORING MEASURES) (SCOTLAND) ORDER 2000 (SSI 2000/20)	386
POTATOES ORIGINATING IN EGYPT (AMENDMENT) (SCOTLAND) REGULATIONS 2000 (SSI 2000/8)	389
FOOD (ANIMAL PRODUCTS FROM BELGIUM) (EMERGENCY CONTROL) (SCOTLAND) ORDER 2000 (SSI 2000/15) ..	392
ANIMAL FEEDINGSTUFFS FROM BELGIUM (CONTROL) (SCOTLAND) REGULATIONS 2000 (SSI 2000/16)	394
PETITIONS	395
PETROL PRICING	408
COUNTRYSIDE PREMIUM SCHEME	411
NATIONAL PARKS	411

RURAL AFFAIRS COMMITTEE

3rd Meeting 2000, Session 1

CONVENER

*Alex Johnstone (North-East Scotland) (Con)

DEPUTY CONVENER

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP)

COMMITTEE MEMBERS

*Alex Fergusson (South of Scotland) (Con)
*Rhoda Grant (Highlands and Islands) (Lab)
*Richard Lochhead (North-East Scotland) (SNP)
*Lewis Macdonald (Aberdeen Central) (Lab)
*Irene McGugan (North-East Scotland) (SNP)
*Mr John Munro (Ross, Skye and Inverness West) (LD)
*Dr Elaine Murray (Dumfries) (Lab)
*Cathy Peattie (Falkirk East) (Lab)
*Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

*attended

THE FOLLOWING MEMBERS ALSO ATTENDED:

Robin Harper (Lothians) (Green)
Mr John Home Robertson (Deputy Minister for Rural Affairs)

WITNESSES

Paul Brady (Scottish Executive Rural Affairs Department)
Philip Galbraith (Scottish Fisheries Protection Agency)
Charlie Greenslade (Scottish Executive Rural Affairs Department)
Mr John Home Robertson (Deputy Minister for Rural Affairs)
Dr John Wood (Scottish Executive Rural Affairs Department)

CLERK TEAM LEADER

Richard Davies

SENIOR ASSISTANT CLERK

Richard Walsh

ASSISTANT CLERK

Tracey Hawe

LOCATION

Committee Room 2

Scottish Parliament

Rural Affairs Committee

Tuesday 15 February 2000

(Afternoon)

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

The Convener (Alex Johnstone): Ladies and gentlemen, thank you for your attendance. We have received apologies from Alasdair Morgan, who will not be attending.

Sea Fishing (Enforcement of Community Control Measures) (Scotland) Order 2000 (SSI 2000/7)

The Convener: Members have been informed that there is an additional item on today's agenda. A motion for annulment has been lodged against the Sea Fishing (Enforcement of Community Control Measures) (Scotland) Order 2000, and the Deputy Minister for Rural Affairs, Mr John Home Robertson, is here to participate in the debate on that motion. He will not be entitled to vote. We have another guest, Robin Harper, who is here to deal with a later item on the agenda.

Standing orders allow us up to 90 minutes for a debate on the annulment of a motion. Mike Rumbles will be glad to hear that I do not propose to take a full 90 minutes.

The Deputy Minister for Rural Affairs (Mr John Home Robertson): Hear, hear.

The Convener: I have set aside 30 minutes for this item. We are not required to take the full 30 minutes—if we make faster progress, I will be happy to move to a vote when it seems logical to do so. I ask Richard Lochhead to move the motion.

Richard Lochhead (North-East Scotland) (SNP): I thank the minister and his officials for coming along to our meeting this afternoon. I would have preferred not to lodge the motion that is before us. In moving the motion, I draw the committee's attention to the procedural anomaly whereby I had to lodge a motion to annul the whole statutory instrument when I am—and, I believe, the fishing industry is—opposed to only one small element of it.

To a certain extent, we are rehearsing arguments that were gone through at our previous meeting, when I voiced two concerns about the

order. The first related to the transportation of sales documents from the quayside, and the second to the extension of the powers of the fisheries officers at the ports. A few days ago, I wrote to the minister to ask whether there was any possibility of concessions, so that I would not have to lodge the motion that is before us. I was delighted that the minister gave the industry and myself assurances on the transportation of sales documents; I believe that the committee has a copy of the letter that I received from the minister.

The one outstanding issue is the extension of the powers of the sea fisheries officers, who will be able to obtain warrants from the sheriff to search fishermen's premises. The fishing industry opposes that, and I sympathise fully with its reasons for doing so. We must bear in mind the fact that the provision was not included in the previous order, and that we have been given no justification for its inclusion in the new order. I have been informed by the Scottish Fisheries Protection Agency that, even if the power had existed since 1993, there are no circumstances under which it would have been used. I have also been informed that it is unlikely to be used if it is introduced under this order. That begs the question why it should be included in the order, given the on-going concern in the industry about the number of regulations that impose a burden on our fishermen. In the past, the minister has agreed that we need to review the number of regulations that our fishermen come up against. The regulation that we are debating today is not required by Europe, but is being applied unilaterally by our Government. As members will be aware, there is an on-going concern that the Government is overzealous in its application of regulations to the industry.

There is also a general concern about the delicate relationship between fishermen on the ground and the fisheries officers. I understand that a good working relationship exists between fishermen and inspectors at the moment, and I would not want that to be jeopardised. If the power is granted to fisheries officers, it will turn them into another police force. Fisheries officers tell me that even if they were to use the power that the order would give them, the police would be there when they did so. It is almost 100 per cent certain that, if the power to obtain a warrant to search a fisherman's premises is used, the police will be there in any case. The police have the power to get the warrants at the moment; the fisheries officers do not. Again, that begs the question: why does the order contain the new power?

I have posed some questions and I am keen to hear the committee's views and the minister's response to those questions.

I move,

That the Rural Affairs Committee recommends that nothing further be done under the Sea Fishing (Enforcement of Community Control Measures) (Scotland) Order 2000 (SSI 2000/7).

The Convener: I invite the Deputy Minister for Rural Affairs to address the issue, before I open the subject to other committee members to develop points or ask questions.

Mr Home Robertson: I thank the convener for his welcome and Richard Lochhead for raising the issue.

I welcome the committee's interest in this statutory instrument. It is important that committees should scrutinise subordinate legislation properly; I confess that that does not always happen at Westminster. In my experience, statutory instruments can go through on the nod without anyone examining them properly, so I welcome the clear intention of Scottish Parliament committees to do a thorough job. That is an important part of their function and ours in the Executive.

When the order landed on my desk, my first questions were whether the industry had been consulted fully and whether there were any outstanding objections. I rebut Richard Lochhead's suggestion that I am deliberately seeking to be overzealous in enforcement action against the fishing industry—quite the opposite. The answer that came back was that the industry would prefer to do without bureaucratic hassle but that, because there must be restrictions on the catching and landing of fish, everybody understands the need for appropriate control procedures.

European Council regulation 2846/98 requires every country to implement certain measures to comply with our duty to stop the marketing of black fish. This statutory instrument has been drafted to fulfil that obligation, following consultation with fishing, marketing and processing interests.

Industry representatives have expressed understandable concern about the apparent requirement to produce and carry large quantities of paper, which could obstruct busy marketing and processing operations. However, my officials have assured the industry repeatedly—we did so again by letter last week—that we will not require people to generate and carry documentation with consignments of fish in and around markets and local processing premises. Nor will such paperwork necessarily have to be carried when loads of fish are being taken further away, although, as Mr Galbraith explained to the committee on 18 January, it might be wise for hauliers taking fish outside the UK to be able to produce at least basic documentation that shows the place and date of consignment.

What is essential is that the relevant information is kept in an appropriate format by the merchant, so that detailed documentation can be generated if required. There is a good reason for that requirement: we all know that it has been far too easy for over-quota black fish to be trans-shipped on to lorries, and that our sea fishery officers have not been able to take action once vehicles have moved inland. The European Union is right to insist on action to tackle that problem, and this regulation will give Scottish fishery officers the powers to require hauliers or merchants to prove that fish on their vehicles have been sold through an authorised outlet. Most of the fish exported from Scotland goes by road either to or through England, so that traffic will be subject to identical regulations in any case. It is probably better for people to deal with their own enforcement agencies.

I have discussed the matter personally with people from the Scottish Fishermen's Federation and with fish merchants. I spoke to Bob Milne in Aberdeen last week and was able to reassure him that our fishery officers will not require documentation to be carried with consignments of fish. I got the impression that he and his colleagues were satisfied with that assurance. However, I emphasise that we have a duty to impose effective controls to stop the movement of black fish, and I will not shirk that responsibility. If I have understood Richard Lochhead correctly, I think that he supports that position.

Richard Lochhead: I accept that.

Mr Home Robertson: The subject of power of entry to premises has never been raised with me at meetings with the industry, although I am advised that it was included in a written list of points submitted by the SFF. My instinct is always to give priority to civil liberties, and I understand that the reinstatement of that power could give rise to certain anxieties. However, I am satisfied that the Scottish Fisheries Protection Agency would seek to use that power only in extreme circumstances. Authorisation would be required from the agency's chief executive and, as Mr Lochhead has said, a warrant for such action would have to be obtained from the sheriff. I am assured that the measure complies with the European convention on human rights—we are getting used to that one. In addition to the police, Customs and Excise officers and Inland Revenue officers have similar powers.

Frankly, I do not want to see the powers exercised, but I accept that circumstances may arise in which it is necessary for fishery officers to obtain material that is held on private premises in relation to illegal landings of fish. Richard Lochhead said that he could not envisage any circumstances in which that would be necessary.

Richard Lochhead: The fishery officers told me that.

Mr Home Robertson: Nobody wants to use the power, but it was used in a case in 1991-92 because it was the only way of obtaining the information required to secure a successful prosecution. After that, the power lapsed because, due to an oversight, it was not included in the last round of regulations. We are reinstating a power that existed before.

In conclusion, if we are serious about conserving Scottish fish stocks, I am afraid that we must accept the responsibility for reintroducing the powers that were in place until 1993. Honest fishermen have nothing to fear, but we must give our fishery officers adequate powers to deal with the illegal black fish trade. I hope that the committee will endorse the regulation.

14:15

The Convener: I shall now allow anyone who wishes to speak for or against the motion to do so. If any members want to seek clarification, they should address their questions to the minister. His officials are on hand to advise him, but questions should be addressed to the minister alone.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I want to ask Richard Lochhead a couple of questions, as he lodged the motion.

First, does he recognise that the Executive and the Parliament have a duty to control effectively the black fish problem? He said that the Government—I assume that he means the Scottish Executive—is overzealous in its regulation of the industry. Indeed, the minister referred to that comment. Will Richard enlighten us on those two points: first, whether we have a duty to control the black fish problem; and secondly, what examples there have been of the Executive's overzealous regulation of the industry.

Richard Lochhead: The statutory instrument is full of regulations that are aimed at ensuring that there are no black fish. The fishing industry in Scotland accepts that we must implement those regulations. There are many regulations; I am highlighting one particular controversial measure for which I believe there is no need.

There are other examples of the Executive's overzealousness in controlling the industry. We are not debating that today; we are debating the particular element that I have singled out. I could cite designated ports given the introduction of satellite monitoring, which we will be discussing later, as an example of a regulation that we could do without, but my concern centres on this particular controversial measure. I would be happy to debate at any time the number of regulations on

the fishing industry. Today, however, we are trying to decide whether, of all the regulations in the document, this one is needed, or whether it will worsen the atmosphere at the quayside by extending to fishery officers the sort of powers that are currently available to the police.

Lewis Macdonald (Aberdeen Central) (Lab): Richard's later comments are revealing. He seems to be in favour of stopping black fish so long as that does not involve powers of entry, satellite monitoring or designated ports. That is an interesting proposal for dealing with black fish and I would be interested to know what methods it would leave us with.

In common with other committee members, I received a letter on documentation from the Scottish Fish Merchants Association. Like the minister and other members, I have had discussions with that association, and I have tried to represent its concerns and discuss with the minister how they might be answered.

Apparently, the association had legitimate concerns that the form filling that might be required under a pedantic interpretation of the legislation would impose an unnecessary burden on buyers and processors, which would be an inhibition of trade and bad for the Scottish fish processing industry.

It is worthy of note that the minister was able to answer those concerns and to make clear that the way in which the regulations would be interpreted, in relation to documentation, would be sensible and based on what was required, rather than on a pedantic interpretation. In other words, there will be no requirement for an Aberdeen fish merchant who buys fish at Aberdeen harbour and takes it 100 yards up the road to the nearest fish processing plant to show documents to a fishery officer. That is sensible.

It is clear, from conversations I have had with the Scottish Fish Merchants Association over the past two or three days, that the association is content with what the minister has said and with the interpretation that has been put on the order.

In contrast, I have not been approached by anybody from the industry, or seen any written expression of concern from any part of the industry, on the powers of entry of fishery officers. In our discussion two meetings ago, I asked the officials from the Scottish Executive rural affairs department about the industry's views and they confirmed that sectors of the industry had given different views; there was no general view.

We all recognise the important relationship between fishery officers and the fishing industry. I like to believe that that relationship is generally in good order, as was described. However, anyone who knows the fishing industry will know that that

has not always been the case. There have been occasions in the past when fishery officers have been subjected to significant intimidation while carrying out their work. That is by no means typical of the Scottish fishing industry, but it would be foolish to suggest that fishery officers are somehow overzealous, bureaucratic officials who impose unnecessary regulations and abuse their powers, at the expense of innocent fishing vessel operators and catchers.

The truth is that the vast majority of people who work in the Scottish fishing industry are honest, do a decent day's work and, as a consequence, enjoy the protection of the law. We want to keep it that way. There is nothing in the order that in any way takes away from the civil liberties of those people who are going about their lawful business in the fishing industry. There is no reason why the committee should support Mr Lochhead's motion.

Irene McGugan (North-East Scotland) (SNP):

I would like some clarification about the removal of the order in 1993. The removal has been referred to as inadvertent, which makes it sound as if it was an administrative oversight. Is that what happened? If so, could it be inferred from that that the powers have not really been missed or needed for seven years? If they had, efforts would have been made to reinstate the order much sooner.

Mr Home Robertson: I too am genuinely puzzled about that. Ms McGugan will not be surprised to hear that that was one of my questions on the subject. The removal appears to have been a genuine drafting oversight; I grant you that that is surprising. I understand that, because of the fallback powers—that the police could be called in if necessary—it was not regarded as a big deal at the time. However, there was that case, in the year immediately preceding removal, when the powers were necessary and were used.

There is a case for extending the power to fishery officers, who know fisheries legislation better than the police. Now that we are introducing new regulations to fulfil the wider EU law, this is seen as an opportunity to put back something that was left out by an oversight back in 1993.

Dr Elaine Murray (Dumfries) (Lab): Richard Lochhead's motion seeks to annul the entire piece of subordinate legislation, not just the section with which he disagrees. What would be the consequences of that annulment? What would the implications be for our relationship with the fishing industry in the rest of the UK, and indeed in the rest of the European Union?

Mr Home Robertson: If we were to throw out the baby with the bath water on this, we would be in impossible territory. We would not have effective controls in place in Scotland and that

would make us look ridiculous in relation to the rest of the European Union and our colleagues elsewhere in the United Kingdom. Our colleagues south of the border would immediately take a close look at shipments of fish from Scotland. We could not get away with that. If the order were to be thrown out, we would have to reinvent it immediately, because we would be in breach of a range of European laws.

Richard Lochhead: That is the point, is it not? It would be possible for the minister to bring back an amended version tomorrow if he so wished. I realise that some speakers have cleverly moved the issue on from what we are talking about today—the extension of the powers of sea fisheries officers—to the wider debate. We are not here to talk about the wider debate; we are talking about one particular power. I am putting forward the case that the minister should bring back an amended version of the order.

Mr Rumbles: I started by asking Richard Lochhead whether he believed that we had a duty of effective control of the black fish problem and whether he could give us examples of the Executive's overzealousness in its regulation of the industry. I do not think that he answered those questions; all he did was point to the number of regulations. When ministers get things wrong, I am more than happy to give them a hard time, but it is different when they get something right.

The letter to Richard from the minister says:

"It would not be the intention to use these powers, other than in the most exceptional circumstances and the requirement to apply to a sheriff for a warrant provides protection against their unreasonable or excessive use . . . similar Orders are being made for other parts of the United Kingdom."

It is remarkable that Richard has brought this particular issue to the committee—I am surprised that the committee is dealing with it. I do not think that Richard has made clear the reasons why he is doing it; to me, it is an open-and-shut case.

Robin Harper (Lothians) (Green): I like to try to put discussions in context. Perhaps the minister's officials could confirm this, but if I remember correctly—and it was a guess on the part of the Scottish Fisheries Protection Agency—the agency's own figures show that the tonnage of black fish landed in the fishing year 1997-98 was roughly 30 per cent of the total tonnage.

Mr Home Robertson: By definition, the figure is a guess—we cannot measure black fish. It is not properly accounted for, but in the past it has been a serious problem. At present, we are worried about the fact that there is evidence of over-quota landings of nephrops. We need to tackle that.

I want to rebut one of Richard's points. He seems to be trying to portray the Executive as

keen to impose draconian controls on the fishing industry just for the hell of it. That is just not true. I would be far happier if we could do without all this stuff. I would far rather—if I dare say so in the presence of the chief executive of the Scottish Fisheries Protection Agency—not have to spend so much money on enforcement. However, I am afraid that it is necessary to do so because of evidence from the past.

There has been a lot of black fish landing. It is no good agreeing on measures to control the exploitation of fish stocks in the North sea and around our coasts, if we then shirk our responsibility to enforce those controls. That is what this is all about. I would be a lot happier if we could do without the power, but we need it—that is why it is in the order.

14:30

Richard Lochhead: The minister and a couple of other contributors suggested that this measure is essential to combat the black fish trade. If that is the case, why has it been used only once in 10 years? Why is the head of the fisheries agency telling me that he could not envisage a situation since 1993 in which the power would have been used and that he could not envisage it being used in future, if it were reintroduced?

My argument is that this will cause the delicate relationship between fishermen and fisheries officers to deteriorate. If the power were invoked and something were to go wrong, such as a search being carried out at the wrong place, enormous damage would be caused to that relationship.

Mr Home Robertson: Those powers would be invoked only if fisheries officers could persuade their superiors and the sheriff that the only way they can get the information they require is to gain access to premises. I do not want that to happen, but from time to time it might be necessary. It is appropriate that fisheries officers have powers that they might require, subject to checks and balances.

Richard Lochhead: Can the police conduct the searches?

Mr Home Robertson: The police can conduct those searches—and may have done so—but you will agree that they might have better things to do.

Fisheries officers are specialists. They know the difference between one species of fish and another and they know how to read the records of fish merchants whereas the police might not. Just as it is appropriate for the Inland Revenue to have such powers in relation to enforcement of its regulations, it is appropriate for fisheries officers to have powers in relation to their areas of

knowledge.

Richard Lochhead: I would like to ask a question in relation to that.

Lewis Macdonald: This seems to be degenerating into a question-and-answer session between one member of the committee and the minister. The committee as a whole must take a view on this. I do not think that that is happening.

We have heard the main arguments and members of the committee should get a chance to express their views. After that, we can move to a vote.

The Convener: Does anyone want to contribute to the debate?

Alex Fergusson (South of Scotland) (Con): I want to pick up on a point that Mike Rumbles touched on. I do not agree with everything the minister says, but I do agree with him on this occasion.

Mr Home Robertson: I must be wrong, then.

Alex Fergusson: You are wrong only in so far as you suggest that the Government of 1993 could possibly have made a mistake.

I know that you referred to this point in your letter, but will you confirm on the record that everything in this order will also be put in place in England and other parts of the UK?

Mr Home Robertson: That is the whole idea. It is basically the same order and we will have the same rules across the UK.

The Convener: If there are no further comments from members of the committee, we will move to a vote. Only those who are members of the committee may vote.

The question is, that the Rural Affairs Committee recommends that nothing further be done under the Sea Fishing (Enforcement of Community Control Measures) (Scotland) Order 2000 (SSI 2000/7).

Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Richard Lochhead (North-East Scotland) (SNP)
Irene McGugan (North-East Scotland) (SNP)

AGAINST

Alex Fergusson (South of Scotland) (Con)
Rhoda Grant (Highlands and Islands) (Lab)
Alex Johnstone (North-East Scotland) (Con)
Lewis Macdonald (Aberdeen Central) (Lab)
Mr John Munro (Ross, Skye and Inverness West) (LD)
Dr Elaine Murray (Dumfries) (Lab)
Cathy Peattie (Falkirk East) (Lab)
Mr Mike Rumbles (West Aberdeenshire and Kincardine)

(LD)

The Convener: The result of the division is: For 2, Against 8.

Motion disagreed to.

The Convener: I thank the minister for taking part in this debate. It was as new an experience for us as it was for him, but I am sure it will not be the last time it happens.

Mr Home Robertson: Would it be helpful if I stand by when you deal with satellite monitoring?

The Convener: If you want to, you may remain for the next item on the agenda—that would be extremely useful. The next items are the four statutory instruments. We have called them a, b, c and d. Item d is relevant to the two officials and the minister who are present, and it has been suggested that we deal with it first to allow us the benefit of their assistance if necessary.

Sea Fishing (Enforcement of Community Satellite Monitoring Measures) (Scotland) Order 2000 (SSI 2000/20)

The Convener: Two explanatory notes are attached to this SSI. Members will note that, for the first time, an SSI has a regulatory impact assessment attached to it. We are the lead committee in consideration of this instrument and the deadline for parliamentary action is 10 March. This instrument has been laid under the negative procedure, which means that unless a formal motion to annul the order is agreed, it will come into effect. No such motion has been lodged, so the purpose of today's discussion is to examine the instrument.

Dr Paul Brady and Mr Philip Galbraith are available to answer questions on the order, should there be any. Would the committee like to ask those gentlemen questions on this issue? The gentlemen are largely unprepared, and they did not come with a speech. Would committee members like to ask for any clarification from them?

Lewis Macdonald: The previous item includes provision for satellite monitoring. What is the relationship between the two orders?

Paul Brady (Scottish Executive Rural Affairs Department): My colleague, Philip Galbraith, will deal with that question.

Philip Galbraith (Scottish Fisheries Protection Agency): There is a link between the two orders, but only within the Community regulations. Article 3 of council regulation 2847/93 introduces satellite monitoring of all vessels greater than 24 m in length. The control order implements all the other provisions of the council regulation. We could have included the satellite monitoring measures in the control order, but we thought that it would be more user friendly for fishermen if all the satellite monitoring measures were in the one order—that is why there is a separate order.

Richard Lochhead: I have two questions. Given the advent of satellite monitoring, is the Executive planning to relax any other regulations, such as the designated ports regulation?

My second question relates to the fisheries monitoring centre that member states must set up. Can you say a few words about that? Will it be based at the Fisheries Protection Agency in Edinburgh? I understand that there will be a UK centre. Is that right?

Paul Brady: We are in discussion with the

industry about the implications of satellite monitoring. I chaired the review group on pelagic fishermen, at which there was extensive discussion of opportunities for the relaxation of regulations in the light of satellite monitoring. Some modest relaxations have been introduced, and we have made it clear that the minister is open to negotiate further relaxations as and when we gain experience of satellite monitoring and the kind of evidence that it produces. That might allow us to lift some of the burden.

The Convener: Are there any other questions?

Richard Lochhead: There is my second question.

Paul Brady: I did not quite catch your second question, Mr Lochhead.

Richard Lochhead: It concerns the fisheries monitoring centre that each member state must set up. The UK is a member state. Will the monitoring centre be part of the Fisheries Protection Agency in Edinburgh?

Paul Brady: Indeed. There are also monitoring centres in England and Northern Ireland. Each member state will have a monitoring centre as part of its enforcement agency.

Mr John Munro (Ross, Skye and Inverness West) (LD): I see in the regulations that the satellite monitoring system is to be compulsory on vessels that are up to 24 m in overall length.

Mr Home Robertson: Over 24 m.

Mr Munro: Yes. Is there any suggestion that the regulations might apply to smaller vessels—of more than 10m in length, say?

Paul Brady: At present, it is not proposed that they should. However, in their discussions the European Commission and the Council of Ministers have made it clear that that is an option that they want to keep open for the future.

Rhoda Grant (Highlands and Islands) (Lab): Will the information from satellite monitoring be passed on to the coastguards? That would enable them, should there be a problem with any fishing boat, to pinpoint quickly where the boat is.

Philip Galbraith: As you will see from the regulatory impact assessment that we have submitted, during our discussions with the industry leading up to implementation of satellite monitoring, it was suggested that the measure might have safety benefits for the industry. If a vessel had gone missing and there were real concerns for its safety, and the Maritime and Coastguard Agency contacted either our ships or our headquarters, I am sure that information to ensure the safe return of the vessel would be made available.

Irene McGugan: There are considerable cost implications in complying with this order. Who will meet the costs?

Paul Brady: The intention is that the industry should meet the costs outlined in the memorandum. When this proposal was first discussed under the previous Administration, the view was taken that the costs were modest in relation to the income of this sector of the industry and that any Government subventions would reduce the resources available for other fishery support purposes. The present Government takes the same view.

Lewis Macdonald: Can you confirm that the costs do not apply to inshore vessels or vessels that are fishing within a day's sail of the coast?

Paul Brady: I can.

Irene McGugan: Is it the case that in other European Union countries Governments have made assistance available to the industry to enable it to comply with these regulations?

Paul Brady: I believe that that is correct. The Governments of some EU member states have elected to use their fisheries guidance money for this purpose. That option is open to all member states.

Mr Rumbles: Do you have any idea how many EU states are doing that?

Paul Brady: I do not have that information, although I believe that it is a significant number.

Richard Lochhead: If the regulations were extended to vessels of less than 24 m in length, would the Executive be sympathetic to helping those vessels?

Mr Home Robertson: That is obviously a hypothetical question. We have made our judgment on the basis that the regulations currently apply to vessels of more than 24 m—big, valuable vessels that are involved in profitable undertakings. I would find it difficult to justify devoting very scarce resources to paying for equipment on those boats. If the regulations were to start applying to smaller vessels, other considerations might come into play. That is as much as I can say at this stage.

The Convener: If there are no further questions, I will thank Dr Paul Brady and Mr Philip Galbraith for their assistance in answering questions on this issue. Are members content with the proposal?

Members indicated agreement.

The Convener: If members are content with the proposal, we will conclude that the committee wishes to make no recommendation in its report to the Parliament.

Potatoes Originating in Egypt (Amendment) (Scotland) Regulations 2000 (SSI 2000/8)

The Convener: We will now go back to item 1(a) on the agenda, which should be marked up properly on the papers that members have in front of them.

We will consider the Potatoes Originating in Egypt (Amendment) Scotland Regulations 2000 (SSI 2000/8). This is laid under negative procedure and this committee is the lead committee on this issue. The relevant papers—the explanatory note and so forth—have been attached.

We have the opportunity to receive information from representatives of the Scottish Executive rural affairs department and the Scottish Agricultural Science Agency. Do members feel that they have enough information to proceed without hearing more information, or do they want to hear it?

14:45

Lewis Macdonald: As the officials are here, we should ask them to summarise the reasoning.

The Convener: I invite Charlie Greenslade and Dr John Wood to the table.

Thank you very much for coming along. Members of this committee are becoming experts on potato brown rot. We are delighted to have you here to continue our education.

Will you take this opportunity to enlighten us about the order?

Charlie Greenslade (Scottish Executive Rural Affairs Department): The regulations further amend the Potatoes Originating in Egypt (Amendment) Scotland Regulations 2000 (SSI 2000/8), in their application to Scotland. Those amendment regulations implement European Commission decision 1999/842/EC, which continues community-wide measures in response to potato brown rot concerns in Egypt that were first introduced in 1996.

Ralstonia solanacearum causes the potato brown rot disease, which can seriously deplete potato yields and can render seed stocks unmarketable. Land on which affected crops have been grown has to be withdrawn from potato production for some years. Watercourses can become infected by waste from potato processing plants and host plants, such as woody nightshade growing on the banks of these rivers, can harbour the disease. Irrigation of crops from these

watercourses can spread infection. Once established, the disease can be difficult to control or eradicate.

It has been estimated that the cost of potato brown rot infection and associated control measures could reach as much as £4,300 per hectare. Disease development is more severe in warmer parts of the world. Therefore, the absence of the bacterium is an important consideration for countries that export seed potatoes, such as Scotland. Although brown rot has never been found in Scotland, outbreaks have occurred elsewhere in the EC. Its control is the subject of directive 98/57/EC.

Members of the committee will recall considering last September the statutory instrument that implements this directive in Scotland. The directive places restrictions on the use of land and associated water courses where brown rot has been found. It also places an onus on the respective plant health authorities to eradicate the disease.

Egypt has traditionally supplied new potatoes to several European countries to fill the seasonal gap in domestic production. Egypt has a problem with brown rot and, with the assistance of the European Union, is trying to control it. Each year since the outbreak of brown rot in Egypt, the Commission has taken a decision to permit imports from that country of ware potatoes, subject to certain precautions.

Commission decision 1999/842/EC allows the importation of Egyptian potatoes during the 2000 season, with the following conditions. The potatoes must have been grown in pest-free areas in Egypt, which have been established following internationally agreed standards. Samples of those potatoes are taken on entry into the UK, or other member states, and are tested in laboratories for the presence of the organism. Official approval is required in the importing country for the disposal of Egyptian potato processing waste, to ensure that domestic potato production and river systems are not put at risk.

Importation may be suspended should there occur five interceptions—at ports of entry across the whole of the European Union—of Egyptian potato lots that are infected with brown rot. Currently, there are no direct imports of Egyptian potatoes into Scottish ports. However, potatoes arrive here from English ports for processing, which mainly involves washing and packing. We expect that four Scottish potato processing companies will want to wash and pack Egyptian potatoes this coming season, and will therefore seek licensing of their waste disposal arrangements under the terms of these regulations.

Last year, three companies handled approximately 1,300 tonnes of Egyptian potatoes in Scotland. It is difficult to estimate the figure for the coming year because much depends on the price of alternative source material. However, the total is likely to be about 2,000 tonnes. That figure contrasts with the 9,000 tonnes of seed potatoes Scotland has exported to Egypt this year, which represents 20 to 25 per cent of our total exports of seed potatoes.

Robin Harper: Is there a procedure that the Scottish processors are using, or can use, to clean the water they use before they put it into rivers?

Dr John Wood (Scottish Agricultural Science Agency): We accept a variety of procedures from processors. We accept it if their disposal goes into the sea or into estuarine water. Processors may also use heat treatment, ultraviolet treatment, or other acceptable treatments. One of the processors is about to deposit liquid waste at a landfill site. That is also an acceptable treatment. We make decisions on a case-by-case basis.

Robin Harper: Do none of the plants have processes in place at the moment?

Dr Wood: The ones that we have licensed so far send their liquid waste either to the sea or to estuarine water. Because the water is saline, there is no irrigation from the sea or from estuaries. One processor that we are currently inspecting for licensing will deposit its waste at a landfill site.

The Convener: If there are no further questions, I will take the opportunity to thank Charlie Greenslade and Dr John Wood for attending today. Are members content with this proposal? Does the committee wish to make no recommendation in the report to Parliament?

Members indicated agreement.

Food (Animal Products from Belgium) (Emergency Control) (Scotland) Order 2000 (SSI 2000/15)

The Convener: Two statutory instruments remain before us—the Food (Animal Products from Belgium) (Emergency Control) (Scotland) Order 2000, (SSI 2000/15); and the Animal Feedingstuffs from Belgium (Control) (Scotland) Regulations 2000, (SSI 2000/16). In both instances, this committee is the secondary committee, and will report to the Health and Community Care Committee, which is the lead committee. No officials are with us today to discuss them.

I would like to start by discussing the first order, which is item 1(b) on the agenda. We have received explanatory leaflets and documents.

Alex Fergusson: I am sorry that no one is here to answer questions. We all discovered during extensive lobbying from our pig industry that, since the dioxin scares in Belgium, imports of Belgian pigmeat to this country have increased by about 24 per cent. Although the papers that we have explain that some safeguards have been put in place to prevent products contaminated with dioxin coming here, I would have liked to ask questions about this issue, which is important both from the health point of view and from the pig farmers' point of view.

Mr Rumbles: Paragraph 5 of the background note says:

“At the Standing Veterinary Committee (SVC) on 23-24 November 1999, Belgium reported that marketing of pigs and poultry has been prohibited since 15 October, unless from holdings certified as uncontaminated on the basis of testing.”

Is that helpful?

Alex Fergusson: I think that it was also stated somewhere else that, after the first outbreak, further outbreaks were found. I am not totally satisfied therefore, and I think that it is a pity that there is not an official here of whom we can ask questions, as they are questions of import.

I accept that the background note says that, “since 15 October”, holdings have had to be certified. Presumably we take that as a sign that all is well.

The Convener: Are there any further comments? If not, would it be appropriate for us to write up the comments made in the brief discussion between Alex Fergusson and Mike Rumbles and perhaps include them as concerns that we wish the Health and Community Care

Committee to take into account when it considers the matter?

Alex Fergusson: I agree that that would be a sensible way forward.

The Convener: There is also the option of attending the Health and Community Care Committee meeting to hear what is said when the matter is discussed.

Lewis Macdonald: On what terms will this be written up? Will it be a matter of simply noting that there is concern?

The Convener: It is just a note from clerk to clerk that highlights the brief discussion that took place and the issues that that discussion raised.

Other than that, there is no requirement to make a recommendation.

Animal Feedingstuffs from Belgium (Control) (Scotland) Regulations 2000 (SSI 2000/16)

The Convener: The next item of subordinate legislation is a similar order, concerning animal feedingstuffs from Belgium.

Mr Munro: I am not sure whether this is the appropriate legislation, but over the past week many people in the farming industry have approached me—and, possibly, some other committee members—about the suggestion that animal feed blocks and salt licks should not be imported from the continent. Have we any evidence that such moves are imminent?

The Convener: I do not think that we have information on that. Items have appeared in the press expressing concern, but I do not think that any instrument covering that issue has been laid.

Most of us would wish to see such an instrument as soon as it appeared. I am sure that it is likely to come before this committee.

Mr Munro: I wonder whether media attention over the past week has given rise to the suggestion that there may be an impact on the mineral supplement blocks imported from Europe.

Lewis Macdonald: I do not think that there is a connection with this instrument, which supplements the one that we have just agreed and deals with feedingstuffs derived from animal products.

The Convener: Yes.

Alex Fergusson: Logically, as the wording is exactly the same, I have to re-voice my concerns about the previous statutory instrument.

The Convener: We will refer the Health and Community Care Committee to the concern voiced previously.

Alex Fergusson: I am happy with that.

The Convener: Are there any further comments on the instrument?

Members indicated disagreement.

The Convener: Are we content that we do not wish to make a detailed report to the Health and Community Care Committee on this instrument?

Members indicated agreement.

Petitions

15:00

The Convener: Item 2 on our agenda concerns petitions. We have a total of four petitions before us today. The first is petition PE8, from the Scottish Homing Union. Members will also have received copies of a report from the United Kingdom raptor working group, a note from the Scottish Parliament information centre on that report, and a cover note by the clerk. A briefing note from the Royal Society for the Protection of Birds and a letter from the Scottish Homing Union were circulated to members earlier today. Do members have adequate information to help them to reach a decision on how to proceed with this petition?

Alex Fergusson: I do not think that we do, to be honest. I was present at the launch of the raptor working group report and, like everyone else who was there, I welcomed that report. It contains ideas for solid foundations for working partnerships on what is an emotive subject. However, considerable concerns were raised by several bodies at the launch. Having read a great deal on all sides of this argument over the months since we were elected to the Scottish Parliament, I am absolutely satisfied that both sides of the argument deserve to be heard by this committee. I suggest that we should set time aside to do that. We do not have the information available to make a learned judgment just now.

Cathy Peattie (Falkirk East) (Lab): I am interested in the recommendations in the RSPB report—they are worth looking at. There is no conclusive evidence that raptors are a major danger to pigeons. However, it is worth following the recommendations in the working group's report that studies be undertaken on the range of possibilities of reducing the predation of racing pigeons. I am not convinced by the information that we have; recommendations 20, 21, 22 and 23 would be helpful, as they would add to that information.

Alex Fergusson: I do not argue with Cathy Peattie at all, but I think that we need to hear evidence from all sides of the argument.

Lewis Macdonald: The report from the working group is fairly comprehensive. It also appears to be based on a consensus among the organisations involved, which included the Scottish Homing Union and the Royal Pigeon Racing Association. I would be interested in hearing any contrary information from committee members, but the purpose of the working group appears to have been to bring together the views

of all those interested in the issue and to try to establish common ground, especially among those who were involved in doing the work—that is the key thing.

As anyone who has been involved in any kind of representative body will know, sometimes those who carry out the actual investigation develop a different perspective from those who sent them to do it in the first place. I do not know whether that is a good thing or a bad thing. In this case, the view appears to be that predation by raptors accounts for a relatively small proportion of the losses. The recommendations of the working group seem to reflect that.

Mr Rumbles: Alex is hinting that we should get some more information, but I am not sure what more we need.

Alex Fergusson: At the launch, people and organisations other than the Scottish Homing Union were raising concerns over much of the wording of the raptor working group report. They were all agreed that a level of consensus had been reached, but there was considerable disagreement about whether that consensus was as strong as suggested in several sections of the report.

The Parliament was established to give minorities a voice in how we go about our affairs. We would be poorly advised to make a decision on the matter without hearing from some of those minorities. I am talking about not only the Scottish Homing Union, but the Scottish Landowners Federation, the Game Conservancy Trust and the National Gamekeepers Association, which had severe doubts about the wording. We should hear the evidence. It is as simple as that.

Richard Lochhead: I broadly agree with Cathy Peattie and, strangely, with some of what Lewis Macdonald said. Given our current work load and the fact that I, for one, am sympathetic to a number of the working group's recommendations, I wonder how useful an investigation would be.

Lewis Macdonald: Am I right in thinking that we are the secondary committee on this matter and that we will report our views to the Transport and the Environment Committee?

Richard Davies (Clerk Team Leader): The petition was submitted to the Parliament fairly early on. At that stage, the Public Petitions Committee referred it to this committee and to the Transport and the Environment Committee. There is no concept of a lead committee on this matter.

Mr Rumbles: Having read the report, I am quite clear what the raptor working group's recommendations are. I know that the racing pigeon organisation would voice a different view, because it disagrees, but the report is well written.

Alex Fergusson: Three—or even four—out of the four bodies I mentioned were involved in drawing up the report, but they still voice concerns about the matter. That should give us enough cause for concern to listen. The raptor working group's report mentions the final report of the Hawk and Owl Trust, which has not even been published yet. How can its findings be taken into account? That gives cause for concern.

Mr Rumbles: Alex, are you indicating that there are real problems with the report?

Alex Fergusson: I am indicating that people have justified concerns, which deserve to be, and should be, heard by this committee.

Lewis Macdonald: The note prepared by the clerks says that the petition seeks

"the granting of a status to racing pigeons enabling owners to legitimately protect their birds"

and

"agreement on population levels of birds of prey designed to achieve an acceptable ecological balance with other species."

Those are fundamental points, which are at variance with the conclusions of the raptor working group. This is not a matter of a couple of percentage points either way, or whether something more proactive should be done to reduce losses, but about changing the legal balance between the protection of wild birds and the protection of racing pigeons.

I accept what Alex Fergusson says about allowing people who have a view to put it forward, but it would seem that the Scottish Homing Union's response to the raptor working group's report is not yet fully formulated. Would not it be appropriate for us to recommend support for the recommendations of the raptor working group, but to welcome a response from the Scottish Homing Union if it feels that it is appropriate to make one to Parliament once it has considered the raptor working group's recommendations?

Dr Murray: I support Lewis Macdonald's suggestions. It is difficult to see how the two points of view could be reconciled; as Lewis says, they are very different. Clearly, the raptor working group has done a lot of work; its report goes into a fair amount of detail. However, it may be worth asking the Scottish Homing Union what its specific counter-arguments are. A number of the suggestions that have been made may be helpful, although they may not be what the Scottish Homing Union wants. It may be useful to progress those suggestions. For example, there should be research into some of the other methods of control and deterrence in relation to attack from raptors. I support Lewis's suggestion that we invite other bodies to comment once they have had the

opportunity to consider some of the suggestions.

Mr Rumbles: The information in the petition from the racing pigeon people is diametrically opposed to that provided by the raptor working group. Therefore, it would be useful to invite the raptor working group to talk about its recommendations and to invite someone who can speak about the concerns of the petitioners. We should hear both sides of the argument and then make a quick decision.

Cathy Peattie: Twice I have proposed that we consider the suggestion by the RSPB. If we are going to examine the report and the concerns of the petitioners, and make recommendations, I would like to hear what the RSPB has to say. We must find a middle ground and try to achieve some sort of consensus. I am not in favour of culling wild birds, but there must be a way forward.

Robin Harper: I do not want to have a shout in two committees on this matter, but you will not be surprised to hear that I have strong opinions. Rather than inviting two people to appear before two committees, should we not suggest that members of the Transport and the Environment Committee, which also has an interest in this matter, attend the same briefing as members of this committee?

Lewis Macdonald: I was not necessarily suggesting that we move immediately to hear evidence from both points of view. I suggest that we note the contents of this petition and the recommendations of the raptor working group and take no further action. Once the people who support the petition have had time to consider the recommendations of the working group, they may wish to comment, at which time it may be appropriate for us to deal with their concerns. We do not have to open up a debate immediately. It may be that a consensus will develop over the next weeks and months as a result of the recommendations of the raptor working group. We should not stage a public debate in a committee while people are coming to terms with the recommendations of the report.

Mr Rumbles: I sympathise with Lewis Macdonald's view, but I am taking a wider view of the use of public petitions to the Scottish Parliament. We said that we would wait for the report of the raptor working group. If we now follow Lewis's suggestion, we will put off the issue again. I do not think that that is an effective way in which to deal with petitions that are presented to us. It is up to the petitioners to decide whether to withdraw the petition as a result of the report of the raptor working group. As Alex Fergusson said, we should hear both sides of the argument and, as Cathy Peattie said, we should hear from the RSPB. We should limit the number of witnesses from whom we hear.

Rhoda Grant: The petitioners have a narrow agenda. They want to cull wild birds to protect pigeons. There has been much discussion about whether that would have any effect, and I think that the consensus is that that is not the way forward.

Our work programme for the next few months will be heavy, and we may not want to carry out an inquiry into this matter now. We might reconsider it in the next parliamentary year. From the report's recommendations, we can see that we would have difficulty supporting what the Scottish Homing Union is asking for.

The Convener: I have a slight problem, in that I agree with what you just said, Rhoda, although I would feel guilty about taking that course of action without having heard the Scottish Homing Union's objections to the report.

15:15

Alex Fergusson: I do not believe that the Scottish Homing Union has ever asked for a cull of raptors. I cannot think of a better way of endorsing the validity of the raptor working group's report than by thoroughly investigating the concerns of many of the people and bodies that contributed to it—we should be in a properly informed position to welcome or criticise its findings. I fail to recognise any difficulty in that. I agree with Mike Rumbles—the fact that this was one of the first petitions that was submitted to the Parliament is almost reason enough to recognise its legitimacy through proper discussion of the issues.

The Convener: Would it be fair to say that there is a difference of opinion in the committee, and that a small majority of members is in favour of hearing further evidence on this issue?

Alex Fergusson: There is only one way to find out.

Mr Munro: Cathy Peattie's suggestion is middle of the road. If we get the RSPB in, it can present both sides of the argument and represent both bodies. That would be the simplest and quickest solution.

Richard Lochhead: I suggest that the committee notes the report and welcomes the recommendations. We can ask the Transport and the Environment Committee whether it wants to have a joint meeting to take evidence. If it does, this committee can send representatives to that meeting. If not, we can simply express our support for the recommendations.

Mr Rumbles: We are dealing with the petition.

Alex Fergusson: I made a proposal in my opening statement on this matter.

Irene McGugan: The petition asks us to review

urgently the operation of the Wildlife and Countryside Act 1981. We must ask whether we have done that by referring to this report and making a recommendation accordingly. I am not sure that we have.

Lewis Macdonald: I would like to point out that the request was for the Government, rather than this committee, to review the act. Furthermore, the raptor working group review was commissioned by a department of state, so I presume that it constitutes that department's review of that aspect of the act.

The Convener: Let us start with a series of questions. Does the committee want to decide the matter now or does it agree to hear from interested parties?

Richard Lochhead: I would support the latter suggestion only if the evidence was taken in conjunction with the Transport and the Environment Committee and that committee felt that the exercise was worth while. If it did not, we should not take evidence independently.

The Convener: Should we approach the Transport and the Environment Committee, with a view to hearing from interested parties on this issue?

Members indicated agreement.

The Convener: Does the committee wish to express a view on the petition at this stage, or wait until we have heard the views of interested parties?

Alex Fergusson: If we agree to listen to interested parties, it would be extraordinary to comment on the report now. We have not been asked to comment on the report anyway. As Mike Rumbles said, we are talking about the petition. The raptor working group's report is not on the agenda. The only reason that we are considering it is that we agreed to postpone talking about the petition until the report was published.

Richard Lochhead: Is it feasible for the committee to respond by saying, "In response to your petition, we note and welcome the recommendations in the raptor working group report, and we have indicated to the Transport and the Environment Committee that, should it wish to take evidence, we would like to send representatives"?

Mr Rumbles: May I come back on that point? We are the Rural Affairs Committee. We are not the farming committee. We are not a committee for agriculture, fisheries and food, although I have always felt that there is a great danger that we will start operating like an agriculture, fisheries and food committee. I do not take kindly to Richard Lochhead's suggestion that the Transport and the Environment Committee should deal with the issue

and that we should send someone along. This matter should be dealt with in a joint meeting of the Rural Affairs Committee and the Transport and the Environment Committee.

Alex Fergusson: I agree with that.

The Convener: Will we approach the Transport and the Environment Committee with a view to hearing from the interested parties, and postpone a decision on the terms of the petition until we have heard those views?

Cathy Peattie: I am confused. Perhaps Richard Davies can answer my question. If we make a decision today—either to hear evidence, to make a recommendation on the report or to make a recommendation on the recommendations of the RSPB—what would happen to it?

Richard Davies: The committee is being asked to examine a petition that seeks the support of the Parliament in re-examining the Wildlife and Countryside Act 1981. The committee postponed taking a view on the petition so that it could receive the raptor working group report. The committee has received that report, so the only outstanding question is the committee's view on the petition.

Lewis Macdonald: A couple of propositions have already been made, so I hesitate to make another one, but it is clear that what was asked for in the petition was a review of the Wildlife and Countryside Act 1981, and what has just been completed is a review of legislation and procedures in relation to birds of prey. Therefore, it would be an appropriate response to say, "We have received your petition. We did not consider it until we had seen the outcome of the review. Having seen the review, we are content with it and support its recommendations."

Richard Lochhead: I am happy with that.

Lewis Macdonald: That is a clear position. Of course, that leaves it open to the Scottish Homing Union, or anyone else with an interest, to come back to us. We are a parliamentary committee, so they can say, "We are not happy with the recommendations and we would like you to consider that." At that point, we should be prepared to follow up the matter, but at the moment, we have a petition before us, the terms of which have been met, and we should say that.

The Convener: Is that a counter-proposal to Alex's proposal to hear further evidence?

Lewis Macdonald: At this stage, yes.

Mr Rumbles: Is Lewis saying that this is the end of the petition—the petition that we put off considering while we waited for this report? Are we saying that we will not take this petition any further?

Lewis Macdonald: That is correct.

Alex Fergusson: Convener, you will not be surprised to hear that I am not happy with that. I do not consider the report of the raptor working group to be a consensual review of the Wildlife and Countryside Act 1981, and I stick to my original proposal that we should have a vote.

The Convener: There will be a division on Alex Fergusson's proposal that the committee continue consideration of the petition to hear further evidence on the report of the UK raptor working group, and from the petitioners, and to approach the Transport and the Environment Committee with a view to taking that evidence jointly.

FOR

Alex Fergusson (South of Scotland) (Con)
Alex Johnstone (North-East Scotland) (Con)
Irene McGugan (North-East Scotland) (SNP)
Mr John Munro (Ross, Skye and Inverness West) (LD)
Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

AGAINST

Rhoda Grant (Highlands and Islands) (Lab)
Richard Lochhead (North-East Scotland) (SNP)
Lewis Macdonald (Aberdeen Central) (Lab)
Dr Elaine Murray (Dumfries) (Lab)
Cathy Peattie (Falkirk East) (Lab)

The Convener: The result of the division is as follows: For 5, Against 5.

We have considered how to use the casting vote in a number of scenarios, but we never thought of this one.

Mr Munro: Let Robin Harper vote.

The Convener: I am afraid that that would be a highly irregular way of taking the casting vote. I think that I will have to offer my casting vote in favour of Alex Fergusson's proposal. Although I am prepared to discuss the matter retrospectively, I will not change that vote.

It might be difficult to decide how to take further evidence. However, for guidance, do members agree to hear evidence jointly with the Transport and the Environment Committee?

Members indicated agreement.

The Convener: Do members wish to hear that evidence from a range of interested parties?

Alex Fergusson: Would it be worth while to form a small sub-committee comprising members of this committee and members of the Transport and the Environment Committee?

The Convener: The clerks are encouraging me to use the phrase "appointment of reporters" rather than "forming of sub-committees".

Alex Fergusson: I beg your pardon.

The Convener: Do members agree to appoint

two reporters to handle this issue?

Cathy Peattie: I am happy to be involved.

The Convener: Do members agree that Alex Fergusson and Cathy Peattie should be the reporters on this matter?

Members indicated agreement.

The Convener: Okay. We will ask the Transport and the Environment Committee to deal with the matter.

Robin Harper: The Transport and the Environment Committee has agreed that this is a good way of working on any issue.

Alex Fergusson: Do you want us to report back at the next meeting, convener? How speedily do you want us to go about this?

The Convener: We should move as quickly as possible. You could report back at the next meeting about how you wish to proceed.

We will now move on to petitions PE51 and PE60, which I propose to deal with together. Petition PE51 is in the name of Friends of the Earth Scotland and PE60 is in the name of the Scottish Green party.

The petitions have been circulated and all members should have copies. The two petitions have been grouped together to avoid duplication in our discussions, as they cover roughly the same area. I welcome Robin Harper, who is here to discuss them.

15:30

Lewis Macdonald: Paragraph 29 of the briefing paper that was circulated to members refers to the legal status of the petition. Can the clerks bring us up to date on the advice from the director of the Parliament's legal office?

Richard Davies: The Parliament's lawyers are still considering what advice to give on the status of the petition.

Lewis Macdonald: In what particular area was legal advice sought? What is the area of concern?

Richard Walsh (Senior Assistant Clerk): The area, not of concern but of question, that was referred to is set out on the final page of the members-only briefing. It relates to general information on the ability of the Parliament to direct the matter, the methodology that would be used and the implications of such action in relation to activities that are broadly based on European Community regulations.

Lewis Macdonald: Do you mean the power of Parliament to countermand EC regulations?

Richard Walsh: Yes, if Parliament chose to go

down that route.

Dr Murray: I had a similar question about Parliament's powers in connection with the regulation of GM crops.

The Convener: Robin, would you like to make some opening comments?

Robin Harper: I shall be brief. We have lodged a number of motions in the past nine months and genetically modified crops have been a matter of considerable public debate outside the Parliament. The debate might not be raging round the walls of the Parliament, but the subject comes up regularly. There is considerable public concern, some of it well informed and some of it possibly not so well informed.

Friends of the Earth and the Scottish Green party both feel that the Parliament should be seen to be taking a view on such matters. The best way to do that is to have some kind of parliamentary debate. We could take evidence in a committee, which would have the great advantage of being seen as balanced. Depending on the view of the legal office, we could then progress to a full-scale parliamentary debate. If the legal office says that we cannot do that because we have no locus in the area, we could have a members' business debate.

I shall conclude my remarks there, but I must stress that people are beginning to wonder why the matter has not been discussed in Parliament.

Lewis Macdonald: I certainly think that there are grounds for debate. As one who has signed up to the Scottish Green party's petition, what is your view on the petition from Friends of the Earth, which does not ask for quite the same thing?

Robin Harper: My view is clear—I do not mind which petition is progressed, or whether one or both petitions are progressed. It is a question of opening the debate and taking evidence. I do not want to be put in the position of saying, "This petition is better than that petition." I want to get the debate going.

Cathy Peattie: I would welcome an opportunity to debate GM foods, whether by taking evidence in the committee or by debating the issue in the chamber, even if that is done in the context of a members' business debate. The issue needs to be debated and I agree with Robin that members want further information, as there is a lot of misinformation around.

Mr Rumbles: I draw a distinction between the two petitions. Petition PE60 calls on the Scottish Parliament to

"research and consider the wishes of the people of Scotland regarding GM crops and food and hold a full debate on the future of genetically modified (GM) food and crops in Scotland."

Like Robin, I am amazed that we have not had such a debate.

This is such an important issue to rural Scotland—and to the rest of Scotland—that the Rural Affairs Committee should debate it. We should back PE60.

I have problems with PE51, as it asks us to adopt a negative stance. The two petitions are mutually exclusive and I am surprised that they have been put together. One calls for the Scottish Parliament to exercise its powers not to permit something, whereas the other—

The Convener: The petitions have been put together purely to avoid duplication during discussion. There is no requirement for us to take the same view on both. We can take quite separate views—

Mr Rumbles: We should draw a great distinction between the petitions. One is negative—asking us to prevent something—while the other asks us to open up the debate.

The Convener: I am quickly getting the impression from members that we are almost unanimous that there should be a full parliamentary debate on this issue.

Richard Lochhead: I also support that approach.

Given that a number of committees are considering the petitions, is not there a case for the conveners of the committees involved to get together and to decide on some concerted action to force a debate? If we support holding a debate in the chamber, can we express that view and work with other committees to achieve the debate?

Mr Rumbles: Richard makes a good point, but could not we mandate the convener to seek that consensus, as we cannot predict the actions of other committees? If that consensus exists, the convener could then approach the Parliamentary Bureau to ask for a motion to be debated in the Parliament.

The Convener: Yes.

Robin Harper: My view is that debating the issue, as described in PE60, might well lead to the outcome described in PE51.

Mr Rumbles: Fair enough—that is your view.

Dr Murray: We should note, however, that there is a difference between the view that we should debate this issue because it is important to the people of Scotland and the view that there is consensus on GM foods or GM organisms. It might be difficult to find a motion that everyone is able to sign up to, as such a motion might not express everyone's views on the issue. We might

all, however, feel that the issue should be debated.

Lewis Macdonald: It seems that the Transport and the Environment Committee is the lead committee for the petitions. Therefore it would be appropriate for us to say to that committee that we support the call for a debate on GM foods, but that we do not support the actions called for by the petition from Friends of the Earth.

The Convener: Is it the view of the committee that we agree with the terms described in PE60—that there should be a debate—and that I should approach the conveners of the other committees that have an interest in the petition, in order to explore methods of securing that debate?

Members indicated agreement.

The Convener: In addressing PE51 separately—in order to have a distinct response—how do members think that we should proceed with the requests contained in that petition? Should we formally defer our consideration of the petition until the debate has taken place?

Irene McGugan: We should defer determination of our capabilities or locus in respect of that petition until we have received legal advice. Are not we waiting for legal advice?

Mr Rumbles: If we did anything other than defer consideration of PE51, that would negate what we have just done with regard to PE60. We said that we want to debate the whole subject; we cannot then say that we agree with PE51. We cannot do anything with PE51 if we want to open up the discussion and have the whole subject debated in Parliament.

The Convener: Would it be appropriate to defer a decision on petition PE51 until we have appropriate legal advice and the discussion has moved on sufficiently for us to address the issue in the terms laid out in the petition?

Members indicated agreement.

The Convener: We now come to the next petition on the list—petition PE69 from James McPherson of Wick—on which this is the lead committee and of which members have copies in front of them. The petitioner asks the Parliament to direct that public meetings be held as part of the consultation process into the review of the Crofters Commission. I remind members that they might want to declare an interest before we discuss this matter.

Robin Harper: I would love to stay for the next four items, as they are dear to my heart, but I am afraid that I am very pressed by work and must leave.

The Convener: Thank you for your contribution, Robin.

Mr Munro: I would like to declare an interest.

Rhoda Grant: I should perhaps declare an interest, as I am looking to set up a cross-party group on crofting, and I am concerned about it.

I want the committee to support this important petition. The review will have significant effects on the crofting community if it results in changes to the functions of the Crofters Commission. It is important that crofters are informed of the recommendations and of the effects that changes will have on them. Crofters should have an opportunity to feed their opinions into the review. Very few of them would read a consultation document and submit responses, and we must be seen to consult properly.

The Convener: Are there any other comments?

Alex Fergusson: I am happy to support Rhoda Grant's comments. A selling point of this Parliament was that it would be outgoing and consultative. Anything that can be done to promote that, especially in this field, should be welcomed.

The Convener: Does the committee support the terms of this petition?

Members: Yes.

The Convener: That was simple and straightforward.

Petrol Pricing

The Convener: Item 3 on the agenda is rural petrol pricing. Our reporters have attended the Enterprise and Lifelong Learning Committee. A meeting has taken place and the issue has been discussed again since we last spoke about it. Can anyone give us a quick report of what happened?

Rhoda Grant: There is a written report at the back of the papers, which covers everything that was discussed.

The Convener: Are there any questions on the report, or comments that members want to make?

Rhoda Grant: The Enterprise and Lifelong Learning Committee will take evidence in private, and will get the Scottish Parliament information centre to conduct some research. It will then hang fire until the Office of Fair Trading's report, and will consider the recommendations from the OFT on how to proceed—if it is necessary to proceed at all.

The Convener: If the Enterprise and Lifelong Learning Committee is taking evidence in private we will not be able to send reporters to its meetings.

Rhoda Grant: Only one or two members of the committee were going to hear evidence, because of the nature of that evidence. It was agreed that it would be kept as close as possible. Shell UK has offered to give that committee information.

The Convener: Is Elaine Murray a member of that committee?

Dr Murray: Yes.

The Convener: Are you likely to be involved in that discussion?

Dr Murray: Yes.

The Convener: So we have someone to keep an eye on that committee.

Dr Murray: The main problem was that, although the oil companies were prepared to give initial evidence, they were prepared to give it only in private because of its commercial sensitivity.

We are reluctant to take evidence in private, but if the choice were between not hearing the evidence and hearing it in private, a private hearing would be preferable.

The Convener: If that evidence is to be taken in private, would it be appropriate to ask Elaine Murray to continue to monitor progress, so that at an early opportunity we can inform our reporters of the investigation's progress?

Lewis Macdonald: Are our reporters able to attend a private meeting?

The Convener: No.

Mr Rumbles: I understand the argument about commercial sensitivity. However, that raises a fundamental issue about parliamentary committees taking evidence in private and the committee being expected to draw inferences from evidence that it will not hear. I have qualms about whether that is the most appropriate way in which to proceed. As a member of the Rural Affairs Committee, I am not happy about sending reporters to a meeting at which they cannot hear the evidence on an issue that is of fundamental importance to people in rural areas. I would like to register my disquiet about that.

15:45

Rhoda Grant: Similar comments were made at the meeting of the Enterprise and Lifelong Learning Committee when the matter was discussed. However, it is a question of getting the evidence or not getting it. Although the committee was unhappy about taking the evidence in private, with only a limited number of members in attendance, it felt that the priority was to obtain the information that was on offer.

Mr Rumbles: I accept the committee's decision, but I question the value of evidence given in private by commercial companies. We will be asked to make a judgment on evidence that will be presented to somebody else, and I am not at all happy about that.

The Convener: I share your concerns, but this is an issue for the Enterprise and Lifelong Learning Committee.

Lewis Macdonald: I share Mike Rumbles's concern, but I accept that each committee must be responsible for its own decisions. However, if we as committees of the Parliament appoint members as reporters on another committee of the Parliament, on what basis are those reporters excluded from meetings? If the oil companies—which might have their reasons for wanting to protect commercial confidentiality—are prepared to provide the information to members of the Scottish Parliament who are members of the appropriate committee, how can members of this committee who report from that committee not be worthy of the same trust? It is not for the oil companies to determine which members of Parliament should attend a meeting of a parliamentary committee. Presumably, it is for the Enterprise and Lifelong Committee to determine whether it wishes to exclude our reporters. If it did, I would want to know why.

The Convener: Would it be appropriate for me to write to John Swinney, indicating the concerns that have been expressed by members of the committee? That would ensure that he understands that we wish to be kept informed and that we have a number of concerns relating to this issue.

Lewis Macdonald: In this case, we are fortunate that there is a member who sits on both committees, but the situation is not satisfactory.

The Convener: I will raise the issue in two ways. First, I will pass on Lewis Macdonald's concern about the problem that this raises for the relationship between committees, and secondly, I will indicate that we wish to continue working jointly on the petrol price inquiry.

Countryside Premium Scheme

The Convener: As there are no further comments on the petrol price inquiry, we will move on to the issue of the countryside premium scheme, which Alex Fergusson asked to be placed on the agenda.

Alex Fergusson: Having discussed the scheme with you, convener, I have grave concerns about its administration, particularly with regard to the so-called double payment to 120 farmers throughout the country. However, I am aware that we will discuss the agriculture petitions at our next meeting and, as I will be able to ask a question on the matter in the chamber on Thursday, I am content to let the matter rest until we can deal with it when we deal with the petitions, if the committee does not object.

Why are you smiling, Mike?

Mr Rumbles: I might object to our not discussing it just now.

Alex Fergusson: You can object if you like. I am quite willing to discuss it now.

Mr Rumbles: No. I was joking.

Alex Fergusson: I thought that you were but I would be more than happy to discuss it now. I believe, however, that we will have an opportunity to do so when we deal with the petitions.

The Convener: Are we agreed?

Members *indicated agreement.*

National Parks

The Convener: Members should have received the draft national parks bill that was published on 21 January. You should also have received the relevant SPICe paper.

The bill forms primary legislation to allow designation of national parks throughout Scotland. It sets down general principles for the creation and management of national parks in Scotland. The bill does not designate any particular national park, as that will be carried out through secondary legislation. However, it is expected that the first Scottish national park is likely to be Loch Lomond and the Trossachs and the second is likely to be the Cairngorms.

SPICe would be happy to discuss the content of the note in private if the committee felt that that would be helpful. I have placed this item on the agenda to allow members to express some initial reactions.

Dr Murray: There is a suggestion that we

should have a private briefing on this issue with members of the Transport and the Environment Committee. It might be appropriate to consider the SPICe note and related issues.

The Convener: We intended to invite Rebecca Badger to go over the paper with us informally.

Dr Murray: Is that what will happen next week?

Richard Davies: The Transport and the Environment Committee is being briefed on the paper tomorrow. The idea behind meeting that committee next week was to examine how the two committees might work together.

The Convener: The question of how we deal with the bill will be dealt with under the next item on the agenda.

Dr Murray: It would be helpful if we could be briefed on the paper.

The Convener: Are we agreed?

Members *indicated agreement.*

The Convener: If there are no further comments, we will move on to the next item of business, which is consideration of future business.

While I do not suggest that the next item take place in private, it has been suggested that it might be appropriate to discontinue the *Official Report* of the meeting at this stage, as we will be discussing dates and times and it might be difficult to follow. A member of the clerking team will continue to take minutes so that we have a record of any decisions that we make.

Does that meet with the agreement of the committee?

Members *indicated agreement.*

15:54

Meeting continued in public until 16:11.

Members who would like a printed copy of the Official Report to be forwarded to them should give notice at the Document Supply Centre.

Members who would like a copy of the bound volume should also give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the bound volume should mark them clearly in the daily edition, and send it to the Official Report, Parliamentary Headquarters, George IV Bridge, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Friday 25 February 2000

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

PRICES AND SUBSCRIPTION RATES

DAILY EDITIONS

Single copies: £5

Annual subscriptions: £640

BOUND VOLUMES OF DEBATES are issued periodically during the session.

Single copies: £70

Standing orders will be accepted at the Document Supply Centre.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

Single copies: £2.50

Special issue price: £5

Annual subscriptions: £82.50

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £2.50

Annual subscriptions: £80

Published in Edinburgh by The Stationery Office Limited and available from:

The Stationery Office Bookshop
71 Lothian Road
Edinburgh EH3 9AZ
0131 228 4181 Fax 0131 622 7017

The Stationery Office Bookshops at:
123 Kingsway, London WC2B 6PQ
Tel 0171 242 6393 Fax 0171 242 6394
68-69 Bull Street, Birmingham B4 6AD
Tel 0121 236 9696 Fax 0121 236 9699
33 Wine Street, Bristol BS1 2BQ
Tel 01179 264306 Fax 01179 294515
9-21 Princess Street, Manchester M60 8AS
Tel 0161 834 7201 Fax 0161 833 0634
16 Arthur Street, Belfast BT1 4GD
Tel 01232 238451 Fax 01232 235401
The Stationery Office Oriol Bookshop,
18-19 High Street, Cardiff CF1 2BZ
Tel 01222 395548 Fax 01222 384347

The Stationery Office Scottish Parliament Documentation
Helpline may be able to assist with additional information
on publications of or about the Scottish Parliament,
their availability and cost:

Telephone orders and inquiries
0870 606 5566

Fax orders
0870 606 5588

The Scottish Parliament Shop
George IV Bridge
EH99 1SP
Telephone orders 0131 348 5412

sp.info@scottish.parliament.uk

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers