

RURAL AFFAIRS COMMITTEE

Tuesday 4 April 2000
(*Afternoon*)

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RURAL AFFAIRS COMMITTEE

9th 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 MEMBER ALSO ATTENDED:

Mike Watson (Glasgow Cathcart) (Lab)

CLERK TEAM LEADER

Richard Davies

SENIOR ASSISTANT CLERK

Richard Walsh

ASSISTANT CLERK

Tracey Hawe

LOCATION

Committee Room 1

Scottish Parliament

Rural Affairs Committee

Tuesday 4 April 2000

(Afternoon)

[THE CONVENER *opened the meeting at 14:01*]

The Convener (Alex Johnstone): Although we are still one member short of a full complement, I propose to go ahead as we have reached 2 o'clock. I intend to allow 30 minutes for item 1, during which I shall invite Mike Watson to address us for 15 minutes and 15 minutes for questions. Immediately thereafter, I propose to adjourn the meeting so that the clerk team leader and I can attend a Parliamentary Bureau meeting, to which we have been called in connection with another bill. I propose to reconvene the meeting at 3.15 pm. That may also be convenient if members wish to discuss with the press the issues raised by Mike Watson's bill.

Protection of Wild Mammals (Scotland) Bill

The Convener: I am pleased to welcome Mike Watson to introduce the Protection of Wild Mammals (Scotland) Bill. The bill was introduced to the Parliament on 1 March 2000. I have invited him to today's meeting to launch his bill formally to the committee, as we have the lead role in preparing a report to Parliament on the bill's general principles. He is accompanied by Mr Les Ward of the Scottish Campaign Against Hunting with Dogs, but it is Mr Watson alone who will make the presentation.

In the light of what we hear, the committee will consider later this afternoon the detailed timetable for taking further evidence. Before we can do that, however, we shall have to attend the meeting of the Parliamentary Bureau, so we do not know quite how things will turn out. Having said that, I take this opportunity to invite Mike Watson to address us on his bill.

Mike Watson (Glasgow Cathcart) (Lab): Thank you for the opportunity to launch the bill. In advance of the meeting, albeit at short notice, I have circulated copies of the statement that I would like to read on to the record and copies of a page of proposed changes to the bill which I expect to introduce at stage 2. After I have read the statement, I will be more than happy to answer questions.

The hunting of wild mammals with dogs is a

cruel and unnecessary leisure activity that has no place in a modern, compassionate Scotland. It is a pastime that, in the course of the chase, inflicts intolerable levels of suffering on the quarry. Opinion polls have consistently shown that the methods by which the mammals are then killed is unacceptable to the vast majority of Scots and to us, the parliamentarians who represent them. That is why I have introduced a bill to end the activity.

I fully accept that the number of foxes needs to be restricted. Nothing in the bill will prevent the control of the fox population by other, more effective and humane means. I am not seeking to ban hunting or even hunting with dogs. My bill will end the hunting of wild mammals with dogs. If enacted, the bill would require hunts to chase an artificial scent, as opposed to using an animal as a sporting accessory. In the 21st century, in a nation that rightly prides itself on exemplary standards of animal welfare, it is time to reduce the cruelty in our countryside.

Opponents of the bill claim that hunting is pest control, but that is an edited and sanitised version. That is not just my view; it is endorsed by celebrated enthusiasts of the chase. Lord Paget, a former Queen's counsel and MP, wrote in his 1960 book "In Praise of Hunting":

"Pain and suffering is inflicted on animals in the course of sport. Nobody who has seen a beaten fox dragging his stiff limbs into the ditch in which he knows he will die can doubt this proposition."

More recently—seven years ago—a master of foxhounds, Captain RE Wallace went further:

"As I have said, we are not a pest destruction society. I would rather account for a fox at the end of a good run than chop it at the beginning."

The bill also encompasses terrier work, which has led to criticism. It would not outlaw the use of terriers to flush out above ground; underground, their activities can be cruel—occasionally to the terrier itself. Excluding terriers from the bill would have been illogical.

What I have said is also true of hare coursing, an activity in which a baying mob takes pleasure in the chase and savage killing of a mammal, purely in the name of sport. Sport has many shapes and forms, but by any definition fox hunting and hare coursing cannot be among them. Society would not allow farm animals to be slaughtered in that way and the so-called sporting pleasure of a minority is not sufficient justification for allowing wild animals to be treated as they are.

I have introduced the bill because I want an end to such barbarism in the new Scotland. Despite well-publicised outrage, most country dwellers support it, as evidenced by scores of letters of support I have received from rural Scotland. They often say that shooting is a more effective and

humane method of pest control, a view that was recently endorsed by experts at the UK Ministry of Agriculture, Fisheries and Food in their evidence to the Burns inquiry.

Scotland led the way in the 1950s by banning the hunting of deer with dogs—a policy that was recently adopted by the National Trust south of the border. We now have the opportunity to lead the way in protecting other quarry species from deliberate cruelty. It is illegal to subject domestic animals to the level of suffering currently being inflicted on hunted animals in the name of sport. If I set a pack of dogs on a cat, I would be contravening the law. If I set the same pack of dogs on a wild animal, I can call myself a countryman and accuse my opponents of ignorance. There is no consistency to that, which is one reason I seek to end the anomaly.

I have been accused of wasting time on an issue that people in Scotland do not see as important. On the contrary, polls show that around three quarters of Scots support a ban on hunting with dogs and only a tiny minority is opposed to it.

This is not the first attempt to ban hunting in Scotland nor the first by a Scot. All previous attempts to do so at Westminster have of course included Scotland. The Wild Mammals (Protection) Bill, which the MP for Dumbarton, John McFall, introduced under the Conservative Government, was scuppered by pro-hunt Tories. More recently, the 1998 Foster bill gained a huge second reading majority in the House of Commons—all but six of Scotland's MPs voted in favour—but again it was sabotaged by the archaic practices of that legislature. Had the will of a large majority of MPs been allowed to prevail in either case, the hunting of wild mammals with dogs would have been outlawed throughout the UK at least two years ago and we would have had no need to discuss my bill today.

Thankfully, we have no such practices in the modern democracy that is this Parliament. In delivering home rule, the Scotland Act 1998 dictated that the task of bringing an end to blood sports is now a devolved matter. Therefore, given the necessary support for my bill—inside and outside the Parliament—democracy will finally ensure that the will of the majority prevails.

Although this meeting is designed to outline the principles of the bill, I will make it clear that I do not believe that, if passed, my bill would have a significant impact on employment. Some irresponsible exaggeration has suggested that there would be mass redundancies, but calmer assessments show that few, if any, jobs need be lost—especially as the viable alternative of drag hunting and other activities such as point-to-point exist. More people might be attracted to hunting if the killing element is removed. It is important to

point out that there are only 10 hunts in Scotland and that there was only one, two-day, hare-coursing event in the country during 1999. It cannot be seriously suggested that these activities support many hundreds—far less thousands—of jobs in Scotland.

Members will have received the page of amendments, which I submitted to the committee. It is, in effect, a replacement section 2. I have tried to make clear—not always successfully, it must be said—that I have not entered this territory with my eyes and ears closed. It has been disappointing to witness the plethora of misinformation that has been disseminated—some of it, regrettably, by the media—since I first announced my intention to promote this bill back in August.

I do not think that any purpose will be served by rehearsing the kind of activities that it has been suggested could fall within the parameters of the bill, but I believe that some aspects of it can be improved. In doing so, my intention is to ensure that activities that could be unintentionally caught up are excluded and to provide clarification where it is necessary to allay genuine fears as to the terms of the bill.

Members of the Rural Affairs Committee are the first to have sight of my proposed changes to the bill. They follow lengthy and detailed consideration of representations made to me in various forms. I believe that the alterations fit well with the Parliament's ethos of pre-legislative consultation and a willingness to respond to constructive criticism. Needless to say, many other changes will be proposed as the bill moves through its various stages in the Parliament. They, too, will receive serious consideration and if I believe that they can improve the bill and assist my aims, I shall not hesitate to say so.

The bill is an historic opportunity for Scotland to lead the way in producing animal welfare legislation in tune with the 21st century. I look forward to engaging with the committee, hearing its views and benefiting from its collective experience in the months ahead.

The Convener: Thank you very much.

There will now be 15 to 20 minutes for members to ask questions. We have discussed this privately individually; I must reiterate that this is not the time for a full debate on the merits of the bill or the specific issues in it. It is important that the committee retains an open mind as we progress towards the consultation phase. This is an opportunity for us to clarify points in the bill and bring out issues that we feel should be raised at this early stage.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): I have two questions—one general and one more specific.

I think that your remarks so far today bear out your comments in *The Times* that your intention in introducing the bill is primarily to end fox hunting with dogs. In the light of that, why does the bill go much wider than is necessary to achieve that objective?

Mike Watson: The bill is intended to end not only the hunting of foxes with dogs, but such hunting of hares and mink. There was never any intention to go wider than that. I have been accused of trying to end all sorts of other things. It has been alleged, for example, that shooting and fishing will be next. That is not the case.

It became clear to me after the bill was introduced that activities such as rough shooting and falconry could be caught up in the bill. That was never the intention. As I said, following representations on behalf of organisations that represent those activities, I have produced amendments which, by removing licensing provisions, would remove rough shooting and falconry from the scope of the bill.

Alasdair Morgan: The specific question is, what precisely is "close control", which is a phrase that you have used?

Mike Watson: I agree that it is difficult to define. If you ask half a dozen people, you get half a dozen different answers. The intention of "close control" is that a dog should be within the control of the person responsible for it. That does not mean on a lead. It means usually within sight and certainly within calling or whistling distance—within a distance in which the person in control of the dog would expect to issue whatever command with a reasonable expectation that the dog would respond.

That is what is intended to be encompassed by "close control".

14:15

Alasdair Morgan: Do you think that that needs to be defined on the face of the bill?

Mike Watson: It may need to be. That point has been made to me, but it is not yet something on which I propose to amend the bill. Amendments along those lines may emerge, and it may be possible to find a more appropriate form of wording, but the intention is as I have just outlined.

Lewis Macdonald (Aberdeen Central) (Lab): Could you explain a little further the purpose of the new version of section 2, which you have presented as a proposed amendment?

Mike Watson: The new wording, as you have noticed, would effectively replace the existing section 2. A number of anomalies became evident after the bill was published. The proposed

rewording specifies that certain activities, in a number of areas, are not included. I refer members to the original section 2 and to the sheet I have issued today.

The new section 2(1)(a) is effectively what was previously section 2(2)(a), without the licensing provision, which appears in brackets in the original subsection (2)(a).

The new section 2(1)(b) effectively replaces the old section 2(2)(b) and takes out the words in brackets on lines 22 and 23 of the original paragraph. It was also felt to be helpful to clarify the various kinds of livestock, fowl and game birds. The word "kept" is no longer used. I was asked how to describe a game bird that is kept. If shooters are in the same area as a bird, how do they know whether it is kept in that area or has come from miles away? Of course they do not know. The intention is to get rid of that idea; if a bird is in an area, it is protected by section 2.

Section 2(1)(c) replaces the old section 2(7). The replacement excludes rodents, which were covered by section 2(7)(a). Further down in section 2(7), the use of mammals shot for "sale or trade" is now removed from the restriction. The new wording reads:

"providing food for consumption by a living creature".

I accept that simply having the original bill and this new section placed in front of you earlier today, perhaps not long before this meeting started, makes it difficult to put the two together. I am trying to describe the intention. I would stress that I have made the changes having received representations.

The Convener: I should also remind everyone that amendments will be lodged at the appropriate time.

Lewis Macdonald: Can I clarify that the amendment that you have drafted, Mike, would remove the requirement for licensing for the activities concerned?

Mike Watson: It was made clear to me that a number of people would be required to obtain licences, basically to carry out the same activities as have always been carried out. Their activities would not have been restricted; it is simply that licensing would have been unduly bureaucratic. I accepted that point as that was not my intention. I would hope to move an amendment to that effect.

Alex Fergusson (South of Scotland) (Con): You have said, I think, that none of the amendments can be lodged before stage 2. That means that throughout stage 1—evidence gathering, drawing up the stage 1 report and, indeed, the stage 1 debate—the committee must consider the bill as published. By giving us a sheet of your suggested amendments, you have made it

quite clear that you are not happy with the bill as presented to us. Do you accept—this is a genuine question—that if you do not think that the bill should be passed by the Scottish Parliament as it stands, the committee will waste a lot of its time, as it must consider the bill as introduced? Would it not be worth considering withdrawing the bill and reintroducing it in a form with which you are happy?

Mike Watson: That would only delay the process. As you know, the bill has been delayed by several months. One of the reasons I felt it appropriate to put my proposed amendments before the committee was to make members aware of them when the bill goes through stage 1. I imagine that the people who objected strenuously to the licensing provisions and who would, in normal circumstances, have come to the committee to make clear those objections, may now no longer feel the need to do so.

I am aware that I am only suggesting amendments, but I hope that they will carry some weight because they are based on representations that have been made to me.

I take Mr Fergusson's point, but I think that the bill has been delayed long enough. At the end of the stage 1 process, which is open, transparent and participative, people will be aware of the state of the bill, although I take the point that the bill has to be dealt with as it stands. However, comments made at this meeting will be widely known about and people will take them into account.

Cathy Peattie (Falkirk East) (Lab): Any of us who are involved with bills in other committees will recall that issues have arisen almost as soon as bills have been printed. We have dealt with those issues by suggesting amendments for stage 2. Surely the structure of the process in which we are engaged is about taking some of those issues on board. I welcome the fact that Mike Watson has flagged up these amendments—when we are gathering evidence, witnesses will raise some of the issues the amendments seek to address and will be able to take them into consideration. I think that, already, it is fairly usual in this Parliament for amendments to be considered shortly after a bill has been published.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I will comment on that point and then ask my question.

For understandable reasons, the bill was delayed, but Mike Watson should be commended for sorting out those problems.

Have you considered withdrawing the bill and resubmitting it? As Alex Fergusson said, the committee will waste a huge amount of time if it consults on a section that will not appear in the bill. If you resubmitted the bill, how long would the

delay be?

More important, you said in your opening statement that you want to end an unnecessary leisure activity and the suffering that is inflicted on hunted animals in the name of sport. We are talking about the bill's general principles; you said that your general principles are to achieve those objectives. If those are the main objectives behind the bill, why are there no references in it to sport and leisure activity?

Mike Watson: I have not considered withdrawing the bill and submitting another one. You alluded to the delays that have occurred so far for reasons that are quite well known. I am keen to press on. I repeat the point that I made in response to Alex Fergusson. Both the committee and those who give evidence to it will know about what has been said today, so the committee will not need, in taking evidence, to go down a road that it might be unnecessary to go down.

I am not quite sure about the point that you made about leisure activity. Is it that the phrase "leisure activity" is not included in the bill?

Mr Rumbles: There is no reference to sport at all, yet I thought that that was the point behind the bill.

Mike Watson: Yes, but a bill must be worded in a specific way. As you wear a different hat in another committee, you will know that the wording of the bill was reached by people who are experienced in drafting legislation. While a bill is worded in a certain way to achieve a certain end, that end is not necessarily outlined. The implication of what I am attempting to do is clear, and I did not think that the words leisure or sport were necessary. I think that it is quite clear what the bill is trying to do.

Mr Rumbles: You emphasised that strongly in your presentation to us just now, but I am surprised that you make no such reference in the bill.

Dr Elaine Murray (Dumfries) (Lab): A member is obviously not expected to consult as deeply as the Executive would before introducing a bill to a committee. I understand that you have spoken to a number of individuals and interested bodies. I would like you to say more about them. In particular, have you consulted on the implications for pest control of some species?

Mike Watson: I think that I have consulted fairly widely, although I will probably be accused of not consulting widely enough. I am happy to list some of the organisations that I have spoken to in the past seven or eight months. They include the Countryside Alliance, the National Working Terrier Federation and the Scottish Hill Packs Association. I would have met representatives of

the Scottish Gamekeepers Association at the same meeting, but they were unable to attend. I have also met the Scottish Society for the Prevention of Cruelty to Animals. We offered a meeting to the British Association for Shooting and Conservation, but it was declined. In fairness to that body, I should say that we approached it after the bill was published.

I have met a number of so-called terrier men in my constituency. I hope that that goes some way towards dispelling the idea that this is a "town versus country" or "toffs versus workers" sort of bill. Those men live in the town and would not describe themselves as toffs, but they have a distinct point of view on how they use their terriers and I have had a number of meetings with them. I have also had well in excess of 1,000 letters expressing a range of opinions. Every one of those letters has been answered, but perhaps not to the satisfaction of every correspondent.

When it comes to controlling numbers, there is no question of saying that foxes or other pests do not need to be controlled. Each year, approximately 20,000 foxes are killed in Scotland. The majority are run over on the roads; a fairly large proportion are shot; about 750 are killed as a result of hunts. Ending hunting would have a marginal effect on the number of foxes killed in Scotland. Pest control is an issue of which I am aware and to which I am sensitive, and I have not discarded it in drafting this bill.

Mr John Munro (Ross, Skye and Inverness West) (LD): It was originally suggested that the bill would ban hunting with horses and hounds. I was quite happy to support it because I understood that that was its main aim, but having seen the bill as introduced, I have come to the conclusion that it will affect all sorts of activities that have been undertaken in the countryside for many years. I am thinking of, for example, cull-and-control exercises by gamekeepers, which is quite a different concept. I notice that the bill contains several restrictions on that activity. The use of "a dog" in the singular is a cause of concern for many of the people who are engaged in such activities. You mentioned the terrier men. Keepers and shepherds who are trying to control foxes in the glens frequently use more than one dog. There is no reference to that in the bill, other than the use of "a dog" in the singular. Before I ask any further questions, I would like you to comment on that.

Mike Watson: The sort of work that gamekeepers do in culling foxes would not be affected by the bill. The use of "a dog" in the bill is understood to mean one dog or more than one dog. The Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation of Acts of the Scottish Parliament) Order 1999 (SI 1999/1379) (The Interpretation

Order) provides that words in the singular generally include the plural. [*Laughter.*] I could forgive members for falling asleep during that explanation.

I took legal advice in framing the bill and that is where the use of "a dog" in the singular stems from. That is not to say that the use of the singular is not confusing, but that is why we use the singular form in the bill. I do not know whether that answers your question.

Mr Munro: You can understand that the wording causes concern, can you not?

Mike Watson: Yes, I can.

Mr Munro: The whole concept behind your bill is that hunting is a cruel sport. There are already a number of parliamentary acts dealing with animal cruelty. What is lacking in those acts that necessitates your having to introduce this new piece of legislation?

Mike Watson: The cruelty that can take place in the hunting of mammals with dogs—in fox hunting and in hare coursing—is not outlawed by existing legislation. If it were, those activities would not take place. Dealing with and, as far as possible, ending that cruelty is the aim of the bill. Other legislation may have curtailed those activities, but it has not stopped them. That is why I feel that the bill is necessary. I will be amenable to any amendments that are proposed to improve the aim of the bill.

The Convener: I am keen to ensure that I do not keep the Presiding Officer waiting. If there are any short questions to finish off this section, I would be delighted to take them now.

14:30

Alex Fergusson: Given that the bill as published has far wider implications than anybody anticipated or was originally publicised, do you think that it would be a good idea for the Macaulay Land Use Research Institute study that Ross Finnie commissioned to broaden its scope to take in the full social, economic and environmental significance of the bill? This is not an Executive bill and prior consultation has therefore not been what it might otherwise have been.

Mike Watson: The Macaulay study already seems to be taking an inordinate amount of time; the institute began its work in November. I do not think that it should be widened. If there are some areas in which the bill has cast its net wider than had been anticipated, I think that I have addressed them with my proposed amendments.

I would like the Macaulay institute to take evidence more widely than it appears to have done until now; it seems to have been taking

evidence from one side of the argument. Rather than widen its remit, I would like it to widen the arguments that are placed before it.

The answer to your question is no. The institute has had a considerable amount of time to consider the effects of such a ban as would be introduced by the bill and I would like it to produce that evidence and see whether it stands up to public scrutiny.

The Convener: I think that we have come to a logical conclusion. On behalf of the committee, I thank Mike Watson for coming along to present his bill to us and to answer our initial questions. It has been a pleasure to hear the details of the bill from the man who has submitted it.

I adjourn this meeting until 3.15 pm.

14:33

Meeting adjourned.

15:22

On resuming—

Bills (Timetabling)

The Convener: Standing orders require that discussions held in the Parliamentary Bureau be considered in private. I suggest that we consider this second item on the agenda in private. What are the views of the committee?

Mr Rumbles: Why in private?

The Convener: Because business discussed in the bureau is considered private and, in our consideration of item 2, it will be necessary to report on what was discussed in the bureau.

Mr Rumbles: Could I ask a point of information? From the presentation this morning, it is obvious to several members of the committee that the Protection of Wild Mammals (Scotland) Bill is flawed, as Mike Watson suggested. Is there a parliamentary procedure through which we can suggest that the bill be resubmitted in an updated form as soon as possible? There has been no consultation so far, because the bill is not an Executive bill. We will now have to go through the whole process of public consultation, even though, by Mike Watson's account, the bill is flawed.

Alex Fergusson: That was the point of the question that I put to Mike Watson. As far as I can tell, at stage 1, we have to deal with the bill as it is published and presented—unamended. If the amendments are accepted at stage 2, we will have to take a huge amount of evidence, which could be a complete waste of our time. Everyone agrees that our time is valuable and I support Mike Rumbles's comments.

The Convener: Wait until you hear what I have to tell you.

Richard Lochhead (North-East Scotland) (SNP): Does the legislative process allow us to take evidence and qualify it by taking into account the fact that amendments have been lodged?

Alex Fergusson: I do not see how we can do that. We cannot guarantee what the amendments will do.

Richard Davies (Clerk Team Leader): Standing orders provide that a bill may be withdrawn at any time by the member in charge of the bill, but that it should not be withdrawn after completion of stage 1. It would be in Mr Watson's control to withdraw the bill before the completion of stage 1.

Lewis Macdonald: Given your indication that you have more to tell us, convener, I suggest that

we formally agree to your proposal to go into private session to speed up the discussion.

The Convener: I propose to return to item 2 at the end of the meeting if the committee agrees to discuss it in private. Are we agreed?

Members *indicated agreement.*

Committee Business in the Chamber

The Convener: Do members think that item 3 should be taken in public?

Lewis Macdonald: I see no reason why it should not be taken in public.

The Convener: Okay. Members have been circulated with a paper on the proposal for a debate on committee business under rule 5.6.1 of standing orders. On 14 March 2000, the Rural Affairs Committee decided to seek a debate in the Parliament as soon as possible on its report on the impact of the Scottish Adjacent Waters Boundaries Order 1999. Immediately after the summer recess, the committee will bid for a debate on the outcome of its inquiry into the impact of changing employment patterns in rural communities. The conveners liaison group has decided to support the selection of the former topic for debate during the time allocated to committee business on Wednesday 26 April.

We must discuss and agree on a motion to be lodged for that debate. The paper includes a list of suggestions, but it should not be presumed that that excludes any alternatives—it simply sets out some options. It would be easier if one of the options suited everyone right now, but members should feel free to make any comments.

Richard Lochhead: I was at Fisheries 2000 in Glasgow on Saturday. Fishermen from all over the country were there and they expressed their gratitude to the committee for seeking time to debate this matter.

I suggest that annexe C is the most appropriate option. It is only fair that we lay the recommendations of the committee before the Parliament.

Lewis Macdonald: I want to comment on Richard's aside about the event in Glasgow. I have also spoken to many people in the fishing industry in recent weeks and they have expressed surprise that the committee has decided to revisit the matter. However, I am sure that the debate will allow us to highlight other issues relating to the Scottish fishing industry. I will be one of those who uses the debate—referring, of course, to the motion that is before us—to raise some of the other issues that are of concern to the fishing industry. As the accompanying note says, given the committee's collective discussions of this issue and the fact that we voted both on the substance of the report and on the decision to seek committee time to debate it in Parliament, it seems sensible that we should agree to go forward with option 1 of the suggested motions, which asks

Parliament to take note of the report. All members of the committee could support that motion and address it in terms that seemed to them appropriate.

The Convener: Are there any other comments? I am keen to establish the views of committee members before we do what we always do on this subject and progress to a vote.

15:30

Mr Munro: You will recall that at a previous meeting I suggested that we should return to this item. At one of the committee's early meetings, we took evidence from the fishing communities and fishing representatives, who were just as surprised as we were that the instrument had been approved by the Westminster Parliament without much consultation with the fishermen or the Scottish Fishermen's Federation. There was extreme disappointment at the time, and I do not think that that has disappeared. Many of the fishing groups to which I speak raise the boundary issue. The credibility of the Scottish Parliament and of this committee hinges on our being able to have the issue debated again, so that we arrive at a conclusion that the fishing fraternity finds satisfactory. I see no reason for us not to take the issue back to the Parliament. Item 9 in annexe C contains a recommendation that the committee should support strongly.

The Convener: Are you expressing support for option 3?

Mr Munro: I am. I think that the committee should support and promote option 3.

The Convener: Do members have any other comments on the options that are before us?

Alex Fergusson: Was Lewis Macdonald suggesting that we should support option 1 in annexe A?

Lewis Macdonald: That is correct.

Alex Fergusson: That was just for clarification.

Richard Lochhead: I would like to have one point relating to option 3 clarified and to seek comments on it. The proposed motion states:

"That the Parliament notes the terms of the report by the Rural Affairs Committee . . . and also notes the Committee's recommendation".

Would it be in order to substitute the word "supports" for "notes"?

The Convener: I am keen to find a form of words that is acceptable to as many members of the committee as possible. I believe that it would be appropriate for us to propose that the Parliament should note the report of this committee and the issues that are raised in it,

rather than that it should express direct support for the report. When we considered the issue, it was obvious that the committee was divided on it. For that reason, it is important that we frame the motion in terms that allow as many members as possible to express their support for it.

Dr Murray: I would like to support Lewis Macdonald's suggestion that we choose option 1. If I had not been away sick on 14 March, I would have opposed the Parliament discussing this reserved matter yet again, but that is in the past. Option 1 at least allows other issues relating to the fishing industry to be introduced into the debate.

Alex Fergusson: In light of the wish to lodge a motion that meets with the approval of most committee members, it strikes me that option 3 in annexe A might not be a bad solution, as it combines Lewis Macdonald's suggestion and the ninth recommendation in annexe C, which John Munro mentioned.

The Convener: Two committee members have now expressed support for option 3, and Lewis Macdonald and Elaine Murray support option 1.

Alasdair Morgan: Option 1 is a bit weak. Given that option 3 also asks the Parliament only to note our report, we might as well spell out some of the report's details. Option 1 is so bland that I cannot bring myself to support it; however, at a push, I could support option 3 in the interests of compromise.

Alex Fergusson: Option 3 will give people a chance to raise points in the report and to expand on them in the debate.

Lewis Macdonald: I want to follow Alasdair Morgan's spirit of compromise and suggest that option 2 offers the opportunity for the committee to come together around a middle position.

Mr Rumbles: I do not think that option 2 is very useful.

The Convener: I detect slightly more approval for option 3.

Rhoda Grant (Highlands and Islands) (Lab): Obviously I prefer option 1. As I have said, it is more important to have a parliamentary debate on our first major inquiry instead of on this subject, and we will find consensus only if we choose option 1.

Mr Munro: Option 1 is so bland that it does not change anything and it does not allow us to make any other suggestions. Option 3 has sufficient scope to incorporate all members' views and aspirations, and it is worthy of recommendation to the committee.

The Convener: Are members content to have a vote on this matter?

Alex Fergusson: Is the choice between option 1 in annexe A and annexe C? Has my suggestion about option 3 in annexe A been discounted?

The Convener: Option 3 in annexe A is one of the suggestions under discussion.

Alex Fergusson: So we are now debating options 1 and 3 in annexe A.

The Convener: That is the choice before the committee.

Alex Fergusson: Right.

The Convener: Do members agree simply to divide into those who support option 1 and those who support option 3?

Lewis Macdonald: I suggest that we take a roll call vote on this issue.

The Convener: Okay. We will now vote.

FOR OPTION 1

Rhoda Grant (Highlands and Islands) (Lab)
Lew is Macdonald (Aberdeen Central) (Lab)
Dr Elaine Murray (Dumfries) (Lab)
Cathy Peattie (Falkirk East) (Lab)

FOR OPTION 3

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

The Convener: The result of the roll call vote is: four for option 1 and seven for option 3.

The committee has agreed that the motion to be proposed for debate by the Parliament on 26 April is:

That the Parliament notes the terms of the report by the Rural Affairs Committee on the Impact of the Scottish Adjacent Waters Boundaries Order, 1999 (SP paper 42); in particular its dissatisfaction and concern:

a about the level of consultation carried out prior to the introduction of the boundaries order

b that the introduction of a boundaries order appears not to have identified any inconsistency with the Civil Jurisdiction (Offshore Activities) Order 1987

c that the amount of fishing activity in the disputed area does not appear to have influenced the Order;

and also notes the Committee's recommendation that the Secretary of State for Scotland should either introduce a new, revised Order, or support a bill calling for a revised boundary proposed in the House of Commons by Archy Kirkwood MP.

Subordinate Legislation

The Convener: We now move to item 4 on the agenda, which is consideration of the Crab Claws (Prohibition of Landing) Revocation (Scotland) Order 2000 (SSI 2000/81). The order revokes a 1986 order that has now been replaced by measures contained in the Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Order 2000, which has already been before the committee. The instrument is laid under the negative procedure; as no motion for annulment has been lodged, the purpose of today's discussion is to examine the instrument. Although the deadline for parliamentary action is 10 May, we are taking this opportunity to consider the instrument, as the Parliament will be in recess next week. The committee should note that the Subordinate Legislation Committee has no technical issues to draw to our attention and that the usual explanatory notes are attached to the order. Are members content to note that proposal? If members have no comments, can we conclude that the committee wishes to make no recommendation in its report to the Parliament?

Members indicated agreement.

The Convener: That brings us to the end of the agenda. We will now return to item 2, which will be taken in private.

15:42

Meeting continued in private until 16:49.

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