

RURAL AFFAIRS COMMITTEE

Tuesday 26 September 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 26 September 2000

Col.

BUDGET PROCESS.....	1161
SALMON CONSERVATION BILL.....	1166
PETITIONS	1173
SUBORDINATE LEGISLATION	1179

RURAL AFFAIRS COMMITTEE

26th 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)

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

*Des McNulty (Clydebank and Milngavie) (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)

*attended

THE FOLLOWING MEMBER ALSO ATTENDED:

Mr Jamie McGrigor (Highlands and Islands) (Con)

WITNESS

James Shaw (Scottish Executive Solicitor's Office)

CLERK TO THE COMMITTEE

Richard Davies

SENIOR ASSISTANT CLERK

Tracey Hawe

LOCATION

The Hub

Scottish Parliament

Rural Affairs Committee

Tuesday 26 September 2000

(Afternoon)

[THE CONVENER *opened the meeting at 14:08*]

The Convener (Alex Johnstone): Good afternoon, ladies and gentlemen. Thank you for attending. As members may have noticed, the Protection of Wild Mammals (Scotland) Bill is not on today's agenda, although I intend to put it on next week's agenda. Before we discuss the bill formally next week, I hope to consult members informally about timetabling and to produce a plan that will have the whole committee's backing.

Apologies have been received from Cathy Peattie and Dr Elaine Murray. Alasdair Morgan has said that he is likely to be a little late.

Budget Process

The Convener: The first item on the agenda is stage 2 of the budget process. All members should have a note from the clerk that explains how the committee might deal with the Executive's budget proposals. Members should also have the "Making a Difference for Scotland" document and a document on the spending plans that was published this week by the Scottish Parliament information centre. We will examine the spending proposals in detail when they are submitted.

Our first task is to consider the response of the Minister for Rural Affairs to our last report. In his letter, the minister accepts our concern about the need for the Executive's financial reports to be written in a clearer style. Did members find the Executive spending plan document that was published last week any clearer?

Richard Lochhead (North-East Scotland) (SNP): Yes and no. It is clearer than last year's document, but some parts are not too clear.

The Convener: The second point in the minister's letter relates to how we can scrutinise the effectiveness of the rural affairs department's cross-cutting with other departments. Do members think that the minister is dealing effectively with the issue?

Irene McGugan (North-East Scotland) (SNP): The minister indicates that he thinks that the indicator of success will be the impact of spending decisions on rural communities, rather than the expenditure figures themselves. He says that

preliminary work is in hand, but we do not yet have the details of that. Until we know exactly what the Executive plans to do about assessing the impact of the spending, it is difficult to know whether we will be able to make a better assessment of how effective it has been or whether sufficient funding has been allocated.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): In the third paragraph, the minister says:

"The very strong message coming from your committee in its report is, I think, of some frustration that it cannot, from a scrutiny of the spending plans of SERAD alone, engage in any serious consideration of the impact on rural areas of Executive policies and spending generally."

I welcome the fact that the minister recognises the problem.

I echo what Irene McGugan said. The penultimate sentence of the letter says:

"We therefore have some preliminary work in hand to assess the impact which expenditure across the Executive's policies and programmes has on rural areas."

It would have been helpful to know what that work was.

The Convener: It is only fair that we progress through the information that we have. We had originally planned to discuss the budget with the minister on 3 October, but it looks as though we will not have full details before that date, although I have been advised that the minister will be able to give us an inkling of the broad thinking. We have also been advised that the main increases will be concentrated in the structural and agri-environmental plans, as outlined in the minister's August statement.

It might be possible to have the minister appear before the committee on 31 October, if required, when many of the questions that we would want to ask about the details of the process would best be dealt with. If the committee felt that it would be beneficial, it would also be possible to have the minister come before us on 3 October to explain some of the other things that we are not quite in the know about. Do members wish to take that approach?

Mr John Munro (Ross, Skye and Inverness West) (LD): Any information that we could get in advance would be useful; if the minister could speak to us on 3 October, that would be helpful.

The Convener: On 3 October, we would take the opportunity to have the minister introduce some of the additional information to us. We would be able to deal with it in a detailed way four weeks later on 31 October. Would it be helpful to progress in that way?

14:15

Des McNulty (Clydebank and Milngavie) (Lab): Are there issues on which we specifically require clarification? Having ministers coming along when neither the committee nor the minister is absolutely clear what they have come along for is not the most productive use of time. If we require clarification of certain issues, however, it is probably justified.

When do we expect to publish our report on rural employment? It might be useful if we could publish our report a couple of weeks before the minister's visit on 31 October.

The Convener: I understand that Professor Shucksmith is available to come along on 3 October, so we should be able to finalise the report by the time you suggest.

Richard Lochhead: Following Des McNulty's point, I would appreciate an explanatory note on resource accounting and its implications for the rural affairs department budget.

The Convener: That would be valuable. It would be useful to have someone develop comparisons between resource accounting and cash accounting.

Richard Lochhead: A dummy's guide would be useful—for me, of course.

The Convener: My thoughts exactly.

Mr Rumbles: Rather than having the minister come before us twice, we would find it useful to get written explanations. We could ask for clarification of those explanations when the minister comes on 31 October.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): If we are trying both to finalise our report and to have Professor Shucksmith before us on 3 October, the session might be heavy anyway.

The Convener: Is the committee agreed to leave the main session with the minister until 31 October and to ask for the clarifications that he has suggested that he might be able to give, and the specific clarifications that we desire, in a letter for reply in advance of our meeting on 3 October?

Members indicated agreement.

The Convener: If anything arises before next week that members think requires clarification, they can inform the clerk.

Rhoda Grant (Highlands and Islands) (Lab): One of the main difficulties that we encountered was in determining what was Executive money and what was European money. A paper on that would not go amiss.

The Convener: The SPICe paper tackles that to

an extent, but more detail would be useful.

Des McNulty: I share Rhoda Grant's view on the need to consider European resources alongside the Scottish Executive budget. When the minister comes, our main focus will be on the Scottish Executive budget. It might be useful if we could have a separate item under which to discuss the minister's view of the direction of European policy and how that might affect the concerns of the Rural Affairs Committee.

Richard Lochhead: I have asked a number of written questions on this subject. I received quite full answers, which the clerks can pass round to members before the minister comes.

The Convener: Would members like any other information?

Mr Rumbles: It is important that we do not just focus on the money that is available for direct spending, but address the issue of the preliminary work that Ross Finnie mentions in his letter. It is important that we know specifically what preliminary work is in hand to assess the impact of expenditure across the range of spending departments so that we can see the total picture.

The Convener: I understand that there could be problems with the time scale of that work, but we need to get whatever information is available at the earliest opportunity. If it is not available, we may have to raise that with the minister when he is here.

Des McNulty: A number of priorities have been identified relating to rural affairs. It might be worth asking the minister to say how the budget matches the policy priorities that have been identified. If the Executive has chosen the priorities, it should be able to indicate clearly how they are reflected in expenditure patterns.

The Convener: Ideally, we should have an early response.

Des McNulty: We can say that that issue might be a focus of questioning by the committee. We do not want the minister to come here and be vague about these issues. I would like him to be prepared to respond to questions on that matter.

The Convener: Are there any other comments on the budget? If not, we will contact the minister in writing and let him know the points that have been raised today. We will make arrangements for the minister to come before the committee on 31 October, which should be near the completion of the process. We can but hope.

Item 2 on the agenda is the proposed salmon conservation bill.

Des McNulty: Before we move on, convener, may I ask what the position is on taking evidence on the Protection of Wild Mammals (Scotland)

Bill? We decided last week that we were going to take oral evidence. I presumed that something would be made available at today's meeting indicating how you were planning to proceed.

The Convener: I mentioned at the start of the meeting, just before you arrived, that we have carried over that issue to next week's agenda. I hope next week to consult members of the committee informally so that we can produce a schedule that has the unanimous backing of the committee. If we can address the issue and have something in place before the recess, we will be well set to deal with the bill in the subsequent months.

Des McNulty: Were not dates identified in the preliminary work of the committee?

The Convener: There are no official dates. What we agreed last week was in effect just a decision to proceed with a particular way of gathering evidence, but we should be in a position to lay out a schedule and formalise it at next week's meeting.

Salmon Conservation Bill

The Convener: Item 2 is the proposed salmon conservation bill. The bill has not yet been lodged with the Scottish Parliament, but I believe that it will be soon. The paper from the senior assistant clerk outlines a possible programme for the stage 1 inquiry into the general principles of the bill. As requested, more information has been provided on the Executive's consultations.

The paper suggests that we take evidence on 31 October and report on 7 November. However, given that we also will be involved in the budget scrutiny and discussions with ministers on amnesic shellfish poisoning, it may be a good idea for us to extend the timetable slightly. Rather than take all the evidence on 31 October, we could take evidence on the bill on 7 November and still aim to agree a report for 14 November. That schedule would fit in with a request that we complete the report by the middle of November. Do members have any views on the paper and the suggested change to fit in with other pressures?

Mr Rumbles: It would be sensible to take evidence on 7 November. I know that time is short. Until a recent meeting of the conveners group, I thought that we were allowed to visit outwith Edinburgh only once a year. That is no longer my understanding of the situation. I cannot think of anything better than for us to go outwith Edinburgh to take evidence on the proposed salmon conservation bill. I draw members' attention to the work of the Dee salmon fishery board in Banchory. It is a leader in conservation, and the committee would benefit greatly from taking evidence from it. It would be appropriate to move up to the north-east for one meeting. The Dee salmon fishery board has pioneered work on catch and release, bag limits, gender limits and close seasons. It has experience of the way in which the details of the proposed bill are to be implemented. We would benefit from that experience, and the board would welcome a visit by the Rural Affairs Committee—we would all benefit. It would be appropriate if other members felt the same way.

Alasdair Morgan: Had we come prepared to do so, I expect that each of us could have made an equally strong case for one of the many salmon rivers. We may have a problem if we go to only some areas to take evidence on an issue that affects the whole of rural Scotland.

Alex Fergusson (South of Scotland) (Con): Salmon fishing issues are not uniform throughout Scotland. If we feel that it is important to go out and have a look, we could split into smaller groups and visit the four corners of Scotland—north-east, south-west, south-east and north-west. There would be more value in that than in visiting one

area, because results are not uniform throughout Scotland.

Des McNulty: If committee meetings are to be held on the same days as they currently are, I would face a difficulty, as I suspect other members would, because I have another committee meeting to attend on Tuesdays. Normally I am sympathetic to the approach that Mike Rumbles is suggesting of going out to speak to people. However, not only is there a lot of variation across Scotland, but my understanding is that the bill is a matter of great urgency and is to be dealt with as speedily as possible. It is important that we are seen to tackle the issue as quickly as possible and put in place some mechanisms to tackle the problems that have been identified. The greatest pressure on us is to deal with this matter as fast as we can. We should disentangle what Mike Rumbles has suggested. There is an argument for going out to look at salmon and fish-farming issues in Scotland, but the greatest pressure on us is to get the matter sorted.

Mr Munro: I would be prepared to support Mike Rumbles's suggestion that we visit one of the east coast salmon rivers. I have no great objection to that but, if it were approved, I would have to suggest that there is a distinction between the east and the west. I do not need to tell anybody here that the wild salmon and sea trout stocks on the west coast have been almost eliminated. If we agree to seek information on east coast rivers, we would need to consider a west coast river.

The shellfish ban stretches from St George's channel up to the north coast. There is little incidence of shellfish poisoning on the east coast, and there must be good reasons for that. There are distinct differences between the situations on the east and west coasts, and we would need to compare the two.

Richard Lochhead: It is an excellent idea for the committee to meet outwith Edinburgh as soon as possible to discuss our investigations. However, is Mike Rumbles suggesting that we meet as a committee or just visit to take evidence?

Mr Rumbles: I would like the committee to meet en bloc outwith Edinburgh to send a message to rural Scotland, but I understand people's reservations in relation to time and the difficulties that would be associated with going to just one area. If we had more time, we could visit more than one area, but I understand why that would be difficult. I am happy to accept Alex Fergusson's suggestion that we split into two or three groups, in which members can go off to take evidence. I am suggesting not that we have a full, formal committee meeting, but that we take evidence from two or three areas.

14:30

Richard Lochhead: I acknowledge what Mike Rumbles says: we are not talking about a meeting of the whole Rural Affairs Committee, but we cannot conduct this investigation without visiting a couple of salmon rivers to find out what is happening on the ground. During the summer recess, I made a productive and useful visit to the Dee with the freshwater fisheries department. A similar visit for this committee could be invaluable.

I take on board Mike's suggestion about Banchory; however, a third of committee members already represent that area and live within a few miles of it. If we were to visit the east coast, I would prefer the committee to visit the Tay or the Tweed. We should also visit the west coast.

Alasdair Morgan: We are putting the cart before the horse. I am going to visit the West Galloway Fisheries Trust on Friday. We are taking further oral evidence to supplement the written evidence that has been gathered, and we should be thinking about whom we need to take evidence from to answer our queries or to address the main issues. We should do that as quickly as possible, given the urgency of the bill. Although we have not yet decided from whom we need to take evidence, we are talking about where we should go—we seem to be approaching this the wrong way round.

Rhoda Grant: I agree with what Alasdair Morgan has said. We are losing sight of the fact that this is enabling legislation. We can look at what people are doing, but that is not part of the enabling legislation. I suggest that, as Des McNulty said, we deal with this as quickly as possible, as it is important to have the legislation in place. Perhaps next year we can conduct an inquiry into best practice for wild fish conservation. That would be about not the enabling legislation itself, but what people would do after the enabling legislation had been passed.

Mr Rumbles: I agree with everything that Alasdair Morgan said but his conclusion. In examining enabling legislation that allows conservation measures to be taken, we must identify whom we should visit and what constitutes best practice. My attention has been drawn to the Dee salmon fishery board, which is in the vanguard of organisations that take progressive measures in conservation. That is one suggestion of a body that we should consult.

We are in the second year of this Parliament, and we have undertaken only one trip outwith Edinburgh—although it was an extensive and worthwhile trip. It would send the wrong message if we sat here in Edinburgh scrutinising the legislation that comes before us and inviting people to come here to give oral evidence, without being prepared to go out to take oral evidence in

situ, which would not delay the introduction of the bill. We may want to go to more than one place. If we could establish what is best practice and what the effects of the bill would be, we would be able to draft a better bill. That is my motivation in suggesting such a visit.

Mr Jamie McGrigor (Highlands and Islands) (Con): As you know, I am not a member of this committee. However, I have a suggestion. The Association of Salmon Fishery Boards, which covers all the boards in Scotland, always holds its annual general meetings at Battleby near Perth. That might be a good place to secure a representation from all fishery boards, instead of just a specific board.

The Convener: We have now had a series of suggestions and members seem to feel the need to meet representatives of fishing interests in their area. However, I suspect that most committee members believe that it would be inappropriate to have a full, formal committee meeting. There is definitely an interest in ensuring that representation is spread evenly across Scotland and I get the impression that there are north-east, south-east and west of Scotland interests.

Rhoda Grant: As we will be taking evidence on a bill, we need to meet formally, with the official report present, so that we can produce a report for Parliament. Members have made worthwhile suggestions, but perhaps we should pursue those in an inquiry later in the year.

Richard Lochhead: We will not meet as a committee outwith Edinburgh; we will simply visit a salmon river, which makes sense if we are taking evidence on a salmon conservation bill. It might be helpful for us to go to a salmon river, speak to the scientists and river managers and familiarise ourselves with the issues, instead of sitting in Edinburgh and asking witnesses to come here.

The Convener: I wonder whether we need to divide the committee into three groups to visit three separate sites such as the Dee, the Tweed and a river in the west.

Mr Munro: The west coast has quite a number of fishery organisations, the biggest of which in the Highlands is the Ness fishery. As that fishery still addresses the fishery interests of the east coast, we will have to travel to the north-west or perhaps down into Mr McGrigor's territory in Argyllshire. Do you have a fishery board in that area?

Mr McGrigor: We have the Awe district salmon fishery board, Lochaber district salmon fishery board in the north and plenty in the west of Sutherland.

Richard Lochhead: To try to bring this part of the meeting to a close, I suggest that we agree on a familiarisation visit, during which we could take

evidence, and that we pick one location on the east coast and one on the west coast. Members could choose to visit either location. Perhaps the clerk could e-mail us a couple of options for both sides of the country.

The Convener: We must move quickly to ensure that there is adequate time for the visits, which—to allow us to deal with any information that we gather—should take place before we take evidence. Should we try to fit the visits in during the recess, or will they have to take place after?

Mr Rumbles: I thought that, instead of simply having a familiarisation visit, we could take formal evidence without needing to meet formally as a committee.

The Convener: The official report needs to be present if we are to take formal evidence. However, the information that we gather during the visits can be fed back in as evidence at a later formal committee meeting.

Richard Lochhead suggested that we appoint three reporters to investigate specific issues surrounding the potential visits. As John Farquhar Munro and Mike Rumbles have been particularly keen on organising such issues, would they like to act as reporters?

Members indicated agreement.

Alex Fergusson: Perhaps we can combine the visit to the West Galloway Fisheries Trust with some investigation into the issue.

Alasdair Morgan: Yes; we could treat that visit as an investigation.

Rhoda Grant: I could feed in some of the information that I received on my recent visit to Lochaber district salmon fishery board, which is undertaking scientific research. I think that most members have visited their district salmon fishery board.

Alasdair Morgan: That represents fair coverage of the country.

The Convener: Would you like to be appointed as a reporter?

Alasdair Morgan: I do not see that that will make a difference to what I do. However, I accept, if it keeps you happy.

Mr Rumbles: Frankly, I am not terribly happy with the way that the committee is handling the issue. We are only paying lip service. That is not what I suggested in the beginning.

Alasdair Morgan: I take Mike Rumbles's point about the Rural Affairs Committee going out into rural Scotland, but I am not happy to do so at this stage without examining the responses from different areas to find out whether we have a

representative cross-sample. Individual members bidding for particular rivers that they happen to know is not an objective way of taking evidence.

Richard Lochhead: For the forthcoming land reform bill, we familiarised ourselves with the issue by speaking to people, then fed reports back to committee. Why cannot we take a similar line with this subject?

The Convener: Would it be appropriate to appoint reporters, and ask them to arrange visits and to pass the information that they gather back to the committee so that we can formalise arrangements for a subsequent meeting?

Des McNulty: We must decide from whom to take oral evidence. Mike Rumbles and others have pointed out that, in taking such evidence, it might be appropriate to ensure that we get a reasonable spread of experience from different parts of Scotland. I presume that the committee accepts that suggestion. If we ask any organisations from the north-east, north-west and south of Scotland to Edinburgh to give oral evidence, it might also be helpful for two or three committee members to visit the area and be given an information briefing as part of the process of taking evidence. That might satisfy Mike Rumbles that we are addressing the matter systematically and the committee that we are doing things in an organised and coherent way.

Mr Rumbles: I back Des McNulty's comments. We could ask the Association of Salmon Fishery Boards to organise a trip to a venue where it thinks that we will most benefit. However, it is important that we turn up as a committee.

The Convener: Do members agree to make a formal approach on that basis?

Members indicated agreement.

Mr McGrigor: I want to declare an interest. When I mentioned the Awe district salmon fishery board, I should have said that I sit on it.

The Convener: Richard Davies's paper suggests that we make a supplementary call for evidence to ensure that organisations and individuals who have responded previously to the SERAD consultation can respond at this point. We will draw to the attention of those who wish to submit evidence the fact that they will be able to comment on the bill as published.

When we write to those organisations, it is suggested that we mention that we would like to take oral evidence on a specific date and that we ask them to indicate their availability for that date. That would allow us to accelerate the process by organising the oral evidence session on a shorter time scale than usual.

14:45

As members have no other comments or questions about the paper, would it be appropriate for us to proceed roughly in accordance with the proposals that are set out in the paper? There will be an additional provision: we will contact the Association of Salmon Fishery Boards.

Members indicated agreement.

The Convener: The paper mentions 31 October as the date on which we will hear oral evidence. It is suggested that we might have to allow that date to slip back to 7 November, to accommodate other items on 31 October. We plan to have a stage 1 report prepared for approval by 14 November; that is in accordance with the time scale that will be required to pass the bill.

Do members agree with that process for dealing with the proposed salmon conservation bill?

Members indicated agreement.

Petitions

The Convener: We move to consideration of petitions, which is item 3 on the agenda.

PE63, from the National Farmers Union of Scotland, asks for increased resources for agri-environment schemes. We considered this petition on 29 February and agreed to defer further discussion until decisions on modulation had been made and the Transport and the Environment Committee had considered the petition. The views of that committee and the recent decision on modulation are summarised in the attached notes from the Scottish Parliament information centre and the clerks. In light of that additional information, do members wish to comment further on PE63?

Mr Rumbles: During the time that has been afforded to us to consider the petition, it has been decided, according to the SPICe paper, that additional resources of £3 million to £4 million are to be devoted to agri-environment schemes. I am content that the matter is being addressed.

Irene McGugan: I suspect that the real issue is resources. The evidence supported the petitioner's claim that resources were inadequate. It is not for us to know whether the NFUS considers that the terms of modulation are adequate and meet the call that is made in the petition.

Rhoda Grant: We have been given to understand that the budget increases will include money for agri-environment schemes. It is difficult for us to do anything further with the petition while the situation is developing. Perhaps we should refer the petition back to the NFUS.

The Convener: It could be said that the issues that are raised by the petition will, of necessity, form part of our consideration of the budget at stage 2, given that increased resources for agri-environment schemes are mentioned in the published papers. I suppose that it is up to the Rural Affairs Committee to investigate the nature of those increased resources and to identify whether they satisfy the demands that have been voiced by many people, including the NFUS in its petition.

Alex Fergusson: I agree with Mike Rumbles. The concern that was raised in the petition has, to an extent, been addressed. We should note what the petition says and carry forward that concern for consideration as part of our inquiry into agriculture. The issue has been addressed for the time being and we should move on.

The Convener: In light of what has been said, are members content to note the petition and to consider further the issue that it raises during our

inquiry into agriculture in Scotland and our scrutiny of the Executive's budget?

Members indicated agreement.

The Convener: The next petition is PE96 from Allan Berry; it relates to sea cage fish farming. The petition asks

"that the Parliament carry out an independent and public inquiry of the adverse environmental impact of fish farming, and the regulatory failure to both recognise and prevent significant damage to our natural heritage, the environment, and other interests dependent on the integrity of our Scottish coastal waters."

Members have a copy of the petition and a full briefing from the Scottish Executive, and should note the strong views of environmental and angling groups on sea cage fish farming.

The Transport and the Environment Committee supported in principle the request for an inquiry, but noted that it has a full work programme. That committee has requested that we involve it in the development of any inquiry that we may undertake.

The Rural Affairs Committee is also fully committed to a work programme. Given the strength and divergence of the views that are before us, does the committee believe that the matter warrants a more detailed inquiry?

Mr Munro: I do not think that there is any doubt about that. I do not need to tell anyone here that the situation is quite serious, particularly on the west coast where there is a high incidence of caged salmon farming, which has extended over the years and created its own problems.

Various proposals for a full-scale inquiry have been made over many years, but little has happened. The situation has now reached a serious, critical stage. As I said earlier, the shellfish and scallop industry is almost at a standstill and everyone has their own ideas about why that should be. Until there is some clear evidence that gives the salmon farming industry a clean bill of health, or that identifies the problems that the industry may be causing, we will continue to receive petitions such as PE96 and the information that it contains. The sooner we undertake an inquiry the better.

Richard Lochhead: I support John Farquhar Munro's comments. No one would deny that our more remote communities have benefited economically from fish farming. However, for years there has been a heated and vigorous debate about the implications of fish farming for wild fish stocks and the environment, and accusations have flown back and forth.

Someone must show leadership in that debate; someone must grasp the problem and try to discover answers to the questions that are being

asked. I do not think that many people know the answers. What is happening is not helpful to any of the industries that are involved. There are continuing difficulties over issues such as sea lice, which even Scottish Quality Salmon acknowledges are a problem. Such issues must be tackled so that we can end the debate over the environmental implications of fish farming and move on.

Des McNulty: I support the call for an inquiry. In addition to the environmental issues that are laid out in the petition, there are the broader economic issues that we considered in the report we are preparing. We require much more detailed and effective scientific evidence than we have received before we can decide whether to go down the route of fish farming.

If we are to conduct an inquiry, we should involve the Transport and the Environment Committee. There is considerable interest in the issue from members of both committees. The various dimensions of the matter must be considered properly. It is a high priority and we must do it properly and spend the appropriate amount of time to examine the matter rigorously. That will require environmental input.

Alasdair Morgan: I agree that an inquiry is required. There is a great deal of public concern on both sides of the argument. We should go into this with our eyes open and realise that we may not be able to reach a neatly packaged conclusion or point to a clear way forward. I suspect that, given the plethora of scientific and pseudo-scientific evidence that exists, we may need expert advice. Quite how we would ensure that that advice was not predisposed towards one side of the argument or the other I do not know, but that is not a reason for not going ahead. We are bound to encounter such difficulties in the process.

Mr McGrigor: I agree with everything that everyone has said, including John Farquhar Munro. Having talked to people in the salmon farming industry, I know that they are pledged to coexistence and sustainability, but a review would certainly help to clear the air. The industry has grown in a short time from being quite small to being enormous. The effects on wild fish stock and the environment seem to have been problems of late and should be investigated, as there are all sorts of people who depend on the marine environment, especially on the west coast of Scotland.

Rhoda Grant: I think that we all agree on the need to do something, but what windows do we have in our timetable?

The Convener: I have discussed the matter with the convener of the Transport and the Environment Committee. We agreed—and it is

certainly my view—that the matter has been on the agenda queue for rather longer than it ought to have been, and that we must progress the matter as quickly as possible. However, during our discussion, a number of questions were raised about how an inquiry might be progressed and what the resource implications might be, for the cost of the inquiry and for clerking requirements.

We are aware that the inquiry could be major, so it has been suggested that the committee should, with great urgency, appoint two reporters to work in conjunction with similar representation from the Transport and the Environment Committee to consider the issues that require investigation. Those reporters would bring their recommendations to the committee at the earliest opportunity. The Transport and the Environment Committee will study a paper on the matter at its next meeting, which I believe will take place tomorrow.

If we are to progress, we must appoint two reporters now so that we can deal with the issue as soon as possible.

Mr Rumbles: I suggest that one of those reporters should be John Farquhar Munro, who has considerable constituency interests in the issue.

Alasdair Morgan: I suggest Richard Lochhead.

The Convener: Would the committee be happy for John Farquhar Munro and Richard Lochhead to act as reporters?

Members indicated agreement.

The Convener: I emphasise the urgency of the matter, which we must progress as quickly as possible. Are there any other comments?

Mr Munro: I am quite happy to accept my appointment as reporter, but we will require some direction from the committee. You suggested that we would have support from the Transport and the Environment Committee.

The Convener: That is right. The primary reason for appointing reporters today is that I fully expect the Transport and the Environment Committee to appoint two reporters as well. John Farquhar Munro and Richard Lochhead can work together with the reporters from that committee to develop a proposal that is agreeable to both committees as soon as possible.

I have a note from the clerk pointing out that members of the Standing Committee on Fisheries and Oceans from the House of Commons in Canada are planning a visit to Scotland during the first week of December 2000, and are interested in meeting members of the committee. That committee is examining issues relating to the environmental management of the aquaculture

industry. Its study includes an examination of the regulation and use of pesticides and veterinary drugs, the generation and release of wastes and the effects of nutrients on the ocean environment as a result of aquaculture. Would members be interested in organising a meeting with members of the Standing Committee on Fisheries and Oceans from the House of Commons in Canada?

Members *indicated agreement.*

15:00

The Convener: I shall come back to the committee with a formal proposal for where and when that meeting should take place. It would be interesting for members to meet their Canadian counterparts.

Des McNulty: I am sure that it would, but if one wants to take such meetings to a level above a simple exchange of polite conversation, one might want to identify specific topics on which work could be done so that the meeting is more productive. It would be sensible for us to form relationships with people from other parts of the world who have similar concerns, and Canada is an interesting example. However, we need someone to identify the topics that would allow us to get the greatest benefit from that exchange of views. The clerk could investigate that and prepare for us, a month in advance, an outline of the meeting and what we could expect to get out of it. The meeting should be organised, rather than just something that happens on the day.

The Convener: That is fair comment and I will take that on board. If we are heavily involved in an investigation by the time of the December visit, that investigation may also throw up one or two issues that we would like to discuss with the visitors.

Des McNulty: I have a question about the appointment of reporters, as I am anxious about the mechanics of how the work will be done. It is probably a good idea to appoint reporters at this stage to do a trawl of the areas that need to be identified, but I would be concerned if two members of the Rural Affairs Committee and two members of the Transport and the Environment Committee were carrying out an inquiry. That would be almost like setting up another committee to deal with the issue, which is probably not the most effective way to work.

The Convener: The function of the reporters in this case is to consider the issues and report back to the committee on what the inquiry might consider, rather than to conduct the inquiry.

Des McNulty: We may need to appoint an adviser. The task of the reporters and committee clerks might be to identify the terms of reference of

a possible inquiry and the parameters within which we could progress that inquiry. We may still want to appoint lead members to carry the inquiry through, but I suspect that, considering the time scale and members' commitments, we may not want to leave work of that scale too much in MSPs' hands. The reporters should identify the task and what needs to be done, then map out with officials a way of ensuring that that is done properly. That way, we will get the kind of investigation we want.

Mr Rumbles: From the paper that was presented to us I understood that Richard Lochhead and John Munro would be discussing the mechanisms and terms of reference for such an inquiry, before reporting back to us. Is that what is happening?

The Convener: Yes.

Subordinate Legislation

The Convener: Item 4 deals with subordinate legislation. [*Interruption.*] Can I hear somebody yawning?

Mr Rumbles: I have never seen a room empty so quickly.

The Convener: There are a number of items before us, some of which call for more detailed consideration than others.

The first is the Prohibition of Fishing with Multiple Trawls (Scotland) Order 2000 (SSI 2000/226). The order deals with regulations that extend only to Scotland and that re-enact with amendments the Norway Lobsters (Prohibition of Method of Fishing) Order 1993. The measures form part of a new package of conservation measures aimed at reducing discards of undersized fish, notably haddock and nephrops—prawns to you and me. I am starting to learn this.

Equivalent regulations will be laid at Westminster to cover other UK vessels and waters. The Subordinate Legislation Committee noted in its report a number of technical flaws. We have received a letter from the convener of the Subordinate Legislation Committee suggesting that we ask the Executive to prepare an amending regulation to correct the errors.

Given that we addressed a previous statutory instrument that gave us problems by a rather different method, I have taken the opportunity to invite David Ford and James Shaw to speak to us. We like short introductions. Do you wish to say anything in advance of answering our questions on this order, gentlemen?

James Shaw (Scottish Executive Solicitor's Office): Other than wishing you a good afternoon, no.

The Convener: We recognise, having read the Subordinate Legislation Committee's report, that a number of concerns arise. As it is this committee's responsibility to decide whether to take no further action in relation to the order, perhaps you can explain to us the nature of the problems and how you believe that they can be solved.

James Shaw: I hope that this can be dealt with very quickly, but if you believe anything of what I say to be incorrect, I will be happy to go through it with you. The committee papers that I have seen say that you received a letter from the convener of the Subordinate Legislation Committee asking for the introduction of an amending instrument to fix the problems identified two weeks ago. I appeared before that committee with David Ford last week to address the matter. Following that meeting, we have taken steps to prepare an amending

instrument, which deals with all the matters that were raised. The intention is to introduce that amending instrument in order to fix the problems raised by the Subordinate Legislation Committee.

There is one small difficulty, however. That committee seems to be very excited by the problems outlined in a footnote—I should say that this is a very small matter as far as we are concerned. I can go into that matter if members wish, but I cannot add anything to what has already been said by the Executive three times now. The amending instrument will not fix the footnote, because we take the view that that is not part of the instrument. However, in an early draft of the amending instrument, we have included an explanation that there was an error in the original instrument, and that the footnote to the amending instrument has the correct reference. If that is not sufficient for members, I will be happy to go through the problems as best I can.

The Convener: Are there any other questions?

Alasdair Morgan: Apart from the whole discussion about whether the Sound of Jura can have a coast—which is fairly fascinating, and is probably the sort of thing about which readers of *The Daily Telegraph* spend years writing letters to the editor—I do not have anything to ask.

The Convener: Are there any other questions relating to the issues raised in the Subordinate Legislation Committee's report?

Richard Lochhead: I am not sure whether this is a question for the officials or simply for us to discuss: I want to know about the time scale for producing amended instruments.

James Shaw: That probably is a question for us, as it resides with the solicitor's office. We have a small difficulty: I mentioned to the Subordinate Legislation Committee that I am currently standing in the shoes of the draftsman who produced the original instrument, who is away until next week. I think that, in this situation, it would be courteous to allow him to have the final say on the actual text. Beyond that, subject to clearance from the Scottish Executive rural affairs department, which has not yet seen the draft, the introduction of the amending regulation should be fairly prompt. Following what happened last week, we are all agreed.

Richard Lochhead: There is a general problem. I have spoken to industry representatives who are pulling their hair out at the fact that an agreement was reached in December to introduce urgently required conservation measures, namely, the regulations concerning 90 mm square-mesh panels and multiple trawls. This instrument now has a deadline of 2 October—the reaching of the time limit for parliamentary action on the order. That is a number of months after the agreement

was made at a European level, in December. The agreement to proceed with these measures was made with the industry in March, if I am correct. It is now 10 months later and an amended instrument has to be introduced, which may mean a further delay.

The fishing industry is concerned about why everything is taking so long. What was deemed an extremely urgent measure was agreed at European level in December. I think that it was agreed at a Scottish level in March; here we are in October, talking about a further delay. I am not sure whether this is something that we could raise with the Procedures Committee, or whether the officials wish to comment on that.

James Shaw: The instrument is already in force—it was brought into force on 3 August. Last week, we discussed with the Subordinate Legislation Committee its concern that the validity of the instrument was affected by the errors. At that meeting, I presented myself as not agreeing with that. It is only because the committee was so vociferous about the matter—I said at the meeting that we would consider it if we were asked to do so, particularly by the convener—that we did what it asked. We have considered the matter, and our draft reflects that. In the explanatory note, we have said that we have listened.

The instrument is in force, and we maintain the line that we do not think that errors are affecting the validity or purpose of the instrument. I do not want to say that we are tidying the instrument, because we are doing slightly more than that, but I do not see the problems with implementation. The instrument is there, and all we are doing is bringing forward an amending instrument to fix a few problems that are causing grief.

The Convener: Given that there are no further comments or questions, can we assume that, given the commitment outlined on behalf of the Executive, members do not wish to comment further on the order?

Members indicated agreement.

The Convener: The next instrument is the Farm Woodland Premium Scheme Amendment (Scotland) Regulations 2000 (SSI 2000/290). The instrument makes a minor amendment to the principal regulations to allow a further undertaking to be required of applicants as a condition of approval being issued under the scheme. The need for that arises under European Council regulation 1257/99.

The Subordinate Legislation Committee noted a technical devolution issue, in that the regulations anticipate the Commission's approval of the rural development plan. Should any concern arise about this instrument, the Rural Affairs Committee could be given until 23 October to report. Do

members have any problems to raise about this instrument?

Alex Fergusson: I have slight reservations, in that I have not been able to determine what the further undertaking to be required of applicants is. I am sure that it is in there somewhere, but I have not managed to find out.

I am also rather intrigued that, in a letter from SERAD to the Presiding Officer, mention was made of a need for the amending regulation to be approved so that planting could be undertaken this autumn. I do not know of anybody who plants trees in the autumn. Like most crops, timber is a spring crop. That is a minor point, but I would like clarification on the further undertaking.

15:15

Alasdair Morgan: Is it not the case that because the European Union has not passed the regulation we cannot get any undertaking? That was my reading of it, but I may well be wrong.

Mr Rumbles: I did not catch what Alex Fergusson was saying. To which document was he referring?

Alex Fergusson: On the third page of our copy of the statutory instrument is a letter from a SERAD official, addressed to the Presiding Officer, that refers to an autumn planting—which is unheard of, at least in the south-west of Scotland. That is a minor point. I am more concerned about the further undertaking. Alasdair Morgan may well be correct in his interpretation of that. I do not want to hold up the process. If my question cannot be easily answered, I can make inquiries elsewhere.

The Convener: If you wish to find out exactly what the further undertaking is, we can make an inquiry in writing and put off final approval of the instrument until next week.

Alex Fergusson: I would appreciate that.

The Convener: It has been suggested that we circulate any clarification that we receive to members. That would mean that the matter would need to be raised again only if there was an objection.

Alex Fergusson: That is all right with me.

The Convener: At this stage we feel that we do not need to make further comment on the instrument. The matter will be raised again if, after the information that we are requesting has been circulated, any member feels that that is necessary.

We move on to a series of statutory instruments dealing with seed: the Beet Seeds (Amendment) (Scotland) Regulations 2000 (SSI 2000/246); the

Fodder Plant Seeds (Amendment) (Scotland) Regulations 2000 (SSI 2000/247); the Cereal Seeds (Amendment) (Scotland) Regulations 2000 (SSI 2000/248); the Oil and Fibre Plant Seeds (Amendment) (Scotland) Regulations 2000 (SSI 2000/249); and the Vegetable Seeds (Amendment) (Scotland) Regulations 2000 (SSI 2000/250). These regulations implement provisions in Council directives regarding marketing of seeds and make changes to the arrangements regarding marketing and labelling of small packages of seeds.

The Subordinate Legislation Committee considered the instruments and wished to draw the attention of the Parliament to defective drafting in them. Should there be any concern about the instruments, the Rural Affairs Committee would have to submit a report by 23 October. Do members have any comments on the instruments at this stage?

Mr Munro: I have no comment, so long as the seeds are not genetically modified.

The Convener: That matter is not on today's agenda. Are members content with the instruments?

Members *indicated agreement.*

The Convener: There was a great deal of satisfaction there. That brings us to the end of our agenda.

Meeting closed at 15:19.

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:

Monday 9 October 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

Meetings of the Parliament annual subscriptions: £500

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: £3.75

Special issue price: £5

Annual subscriptions: £150.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

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 020 7242 6393 Fax 020 7242 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 028 9023 8451 Fax 028 9023 5401
The Stationery Office Oriol Bookshop,
18-19 High Street, Cardiff CF1 2BZ
Tel 029 2039 5548 Fax 029 2038 4347

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