

# **RURAL AFFAIRS COMMITTEE**

Tuesday 3 October 2000  
(*Afternoon*)

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## **RURAL AFFAIRS COMMITTEE**

**27<sup>th</sup> 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

### **CLERK TO THE COMMITTEE**

Richard Davies

### **SENIOR ASSISTANT CLERK**

Tracey Hawe

### **LOCATION**

Committee Room 2



## Scottish Parliament

### Rural Affairs Committee

*Tuesday 3 October 2000*

*(Afternoon)*

[THE CONVENER *opened the meeting at 14:02*]

**The Convener (Alex Johnstone):** I thank committee members for attending the meeting today. I understand that Des McNulty will not be with us this afternoon. Is there any word of Cathy Peattie?

**Dr Elaine Murray (Dumfries) (Lab):** I understand that she is coming.

**The Convener:** I am sure that she will arrive soon.

### Protection of Wild Mammals (Scotland) Bill

**The Convener:** The first item on the agenda is the Protection of Wild Mammals (Scotland) Bill. After my informal discussions with members about how to proceed on this issue, we have circulated a paper with a rough summary of ideas that were discussed.

Members have received a paper describing a possible framework for evidence taking. Before we discuss the details, shall we agree some basic arrangements, given that a number of organisations will have useful opinions? Do members agree that each organisation should appoint one person to come to the table to give evidence, although they can be supported by others if necessary?

**Members indicated agreement.**

**The Convener:** I also want to ensure that members are not swamped with paper. As the organisations have already submitted written evidence, they might wish to supply us with one or two points that relate to other issues. However, if that is the case, we should limit them to one piece of paper each—both sides of which can be used if necessary. I hope that that will avoid the need for long introductory speeches when we take evidence. Are members agreed?

**Members indicated agreement.**

**The Convener:** As for the evidence sessions themselves, I propose to start by inviting the chief protagonists on each side of the argument to make some general points at the beginning of their evidence. It has been suggested that those

organisations would be the Scottish Countryside Alliance and the Scottish Campaign Against Hunting with Dogs, both of which were asked to give evidence before the Justice and Home Affairs Committee.

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I want more guidance from those organisations than a couple of general points. As we are examining the bill's general principles, we would find it helpful for the organisations that come before us in the first oral session to focus on the principles and speak for or against them.

**The Convener:** Yes. Do members agree that the two organisations that have been mentioned are the most appropriate for us to approach at that stage? Members should bear in mind the fact that I will propose to seek specific organisations to give evidence on specific issues thereafter.

**Richard Lochhead (North-East Scotland) (SNP):** I have two small points. First, it would be worth while to ask organisations that will give evidence to send along representatives who work in the front line, instead of having witnesses who are all professional lobbyists for their organisations.

Secondly, it would also be useful to have a short biographical note on each witness. Quite often during evidence sessions, we do not really know where people come from, what they do for a living or anything else about their backgrounds.

**The Convener:** I can certainly supply that kind of information from the chair.

**Mr Rumbles:** Although Richard Lochhead's first suggestion is appropriate, the first evidence session will focus on general principles and the organisations should be free to choose an advocate who will identify the bill's general principles for us. However, I support Richard's suggestion for the subsequent sessions.

**Richard Lochhead:** I accept Mike Rumbles's comments. We should just lay down a marker at this stage.

**The Convener:** Okay. As the two organisations that I have mentioned are in a position to represent both sides of the argument, does my suggestion to invite them meet with the committee's approval?

**Members indicated agreement.**

**The Convener:** The informal discussions raised another point. Given that the first discussion will centre on the bill's general principles and that it might be difficult to ensure that we keep in mind those principles, it would be appropriate to invite Mike Watson to give evidence at that first session as well. Are members agreed?

**Mr Rumbles:** Mike Watson should present his evidence before the other two organisations. As committee members are becoming confused about the bill's general principles, Mike Watson—as sponsor of the bill—could help right at the beginning by outlining his perspective on those principles.

**The Convener:** Richard Davies has just reminded me that Mike Watson was before the committee on 4 April. I am anxious that Mike Watson should become involved in the process of deciding on the bill's general principles. Would it benefit the committee to hear from him at the beginning of the first session?

**Mr Rumbles:** When Mike Watson came before us on 4 April, we were not given a great deal of time to question him, and that has caused a certain amount of confusion about what he considers to be the bill's general principles. Instead of hearing what the two organisations think of the proposed legislation, I would like to find out right at the beginning whether Mike understands our problems with the bill's general principles. It would be helpful for the committee if he could clarify his position on those principles.

**The Convener:** What do other members of the committee think?

**Alex Fergusson (South of Scotland) (Con):** The private briefing for members suggests that the main supporters and main opponents of the bill should summarise their views and that Mike Watson should react to them. It is up to this committee, rather than the bill's proposer, to react to the witnesses. I agree with Mike Rumbles that it would be better if Mike Watson came in front of us first, so that we could further question him on the general tenor of the bill.

**Dr Murray:** Are you considering having the proposer of the bill and the two organisations at the same time to enable them to comment on each other's views? That would enable committee members to elicit responses from each of them.

**The Convener:** We have used that format successfully before. If the committee felt that it was appropriate, I would be happy to progress in that way.

**Alex Fergusson:** I presume that there is nothing to prevent Mike Watson, as a member of the Parliament, from asking questions during the afternoon's proceedings.

**The Convener:** That would be the general procedure, although Mike Watson has taken a distinct position on this matter when he has come to the committee. He has acted as the proposer of the bill rather than as a member of the Parliament. Are we happy that we should have Mike Watson and the two organisations on a panel together to

put the opposite views at the first evidence session?

**Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** There is some confusion about what you mean by "together". Are you proposing that we have all three at the same time?

**The Convener:** That is what Elaine Murray suggested.

**Alasdair Morgan:** I am not sure whether that would be sensible, given Mike Watson's separate right, subject to the convener, to ask questions.

**Dr Murray:** I was thinking more of the two umbrella organisations. It might be useful to have them together so that they can comment on each other's views.

**The Convener:** The suggestion is that we have Mike Watson first and then the two umbrella organisations together. Does that meet with the approval of the committee?

*Members indicated agreement.*

**The Convener:** We must plug into a time scale in order to fit in the evidence gathering sessions. The agenda for the meeting on 31 October is already full, as we will hear from three ministers then. Ministers will also attend on 7 November, when we are taking oral evidence on the Salmon Conservation (Scotland) Bill. Stage 2 of that bill marks a cut-off point for us and I want oral evidence on the Wild Mammals (Scotland) Bill to be taken before that. It would be useful if our first evidence session could be on 14 November, with further sessions at each weekly meeting for the following two or three weeks. Is 14 November okay for the first oral session?

*Members indicated agreement.*

**The Convener:** As I said, we have a further three weeks after 14 November before we start stage 2 of the salmon bill.

The first two topics for discussion are set out in paragraphs A and B on the committee briefing. In order to minimise duplication of evidence, it might be useful to take the topics together. It will probably be necessary to divide that session into two, but it would be difficult to get two distinct sessions out of the material. We should require organisations to give evidence on pest control in general and on the activities involved.

The paper with suggestions on the organisations that should be invited to give evidence has been circulated. Members can suggest other organisations at this point.

**Mr Rumbles:** Although one of the major principles of the bill is to outlaw this form of sport, I cannot see sport identified in the pink paper—the private note to members on oral evidence—that

has been presented to us. Could you tell me where it is?

14:15

**The Convener:** Sport is not clearly defined on its own.

**Mr Rumbles:** But it is a general principle of the bill as Mike Watson outlined it to us in April.

**Dr Murray:** Although sport is not mentioned in the bill, the committee might want to make distinctions. It has been suggested that the first of the detailed sessions should deal with effective pest control. However, the bill is not about pest control; it is about hunting with dogs. We should find out about the justification for the use of dogs in various forms of pest control and sport and, if it were outlawed, what the alternatives would be and how the suffering caused to animals would be evaluated in comparison. I do not know that we want to spend a lot of time talking about why pests have to be controlled and what would be a good way of controlling a rat.

**The Convener:** The issues that you have mentioned would be the ones that we would want to cover in that session. I am sorry if I have given the impression that I am trying to funnel the discussion into one area. Once we get into that area, our discussion must be as general as possible.

**Mr Rumbles:** I am still unclear as to where the sport comes in.

**The Convener:** Have you any suggestions? The general nature of the activity makes it difficult to define the sporting element.

**Mr Rumbles:** Sport is not mentioned in the bill, but the *Official Report* of our 4 April meeting shows that Mike Watson told the committee that one of the major principles of the bill is to outlaw this form of sport. We are deciding on how to take evidence on the bill, but the issue of sport is not mentioned in the briefing paper. I want to know when we will consider the issue that makes up the main thrust of the bill.

**Richard Lochhead:** Would it be worth while to change the middle theme, which is currently about effective pest control, to something like "Hunting with dogs—pest control or sport"? Such a change would allow us to consider both pest control and sport. That would be useful as the line between those two issues is the crux of the debate.

**Alex Fergusson:** I support that. We are faced with two key questions, the first of which is whether control is necessary. That is not part of the bill, because no one questions the fact that pest control is necessary—vermin control is a necessary part of looking after the rural

environment. That cuts to the quick of the bill.

**The Convener:** Which organisations or individuals would we want to invite to give evidence at the second proposed session, which will deal with pest control in general and different types of activity?

**Mr Rumbles:** The National Gamekeepers Association is not mentioned in the briefing. Given that thousands of people turned up to support the gamekeepers when they marched in Edinburgh, it is not acceptable for them to be left out of the evidence taking.

**The Convener:** There is no intention to leave them out. That is an oversight in the paper and has already been noticed. As I emphasised, members can propose any individual or organisation, or none at all, regardless of whether they are mentioned in the paper.

**Mr Rumbles:** In that case, I would like the National Gamekeepers Association to give evidence.

**Alex Fergusson:** Would that be under the new heading?

**The Convener:** We are currently discussing the first heading. I think that Richard Lochhead suggested adjusting the second one.

**Alex Fergusson:** Are we now discussing what witnesses to invite in relation to the heading that Richard Lochhead proposed?

**Richard Lochhead:** I suggested a change of title to bring in the issue of sport.

**Alex Fergusson:** Has that been accepted?

**The Convener:** Yes. We will have to be careful about how we divide this up. Richard Lochhead suggested that we could consider the scientific evidence at the first session and hear the practitioners in the second session. Would that be an appropriate way to go ahead? The suggestions for the first session are the Scottish Agricultural Science Agency, the Game Conservancy Trust, landowners' or farmers' representatives, an animal welfare organisation and an academic with a knowledge of pest control.

**Dr Murray:** I thought that we had agreed that we would not spend that session discussing pest control and that we would consider the differences between hunting with dogs as pest control and as a sport. We do not necessarily need academics with a knowledge of pest control—whoever they might be. Surely at that session we should consider the people who take part in various forms of hunting with dogs and their justification for doing so, as well as hearing from animal welfare organisations who oppose the use of dogs in various activities.

**Rhoda Grant (Highlands and Islands) (Lab):** I am not sure that I agree with Elaine Murray. We have to get to the bottom of what pest control is. It would be good to speak to the academics to find out what requires to be done and why. Let us be honest: anything that is done other than for pest control is done for the fun of it.

**The Convener:** A number of experts on pest control are quoted regularly in the evidence.

**Richard Lochhead:** I agree with Rhoda Grant. If we are told that mounted hunts are an effective form of pest control, we have to find out how effective. We must discuss pest control in that context.

**The Convener:** That is what is scheduled as the first evidence session. We have to decide whether we want to take evidence of that nature and then go on to deal with the practitioners.

**Mr Rumbles:** If I have got this right, we will be considering pest control and sport in both sessions; the first session will be a more academic approach and the second one will be from the point of view of the practitioners. Is that right?

**The Convener:** Yes.

**Mr Rumbles:** I am happy with that.

**The Convener:** As I said, the suggestions for organisations and individuals to give evidence were SASA, the Game Conservancy Trust, landowners' and farmers' representatives, an animal welfare organisation and an academic with a knowledge of pest control.

**Rhoda Grant:** I do not think that the Scottish Crofters Union would like to be considered as representative of landowners. It should be invited along, because it has a different outlook on the matter and a different way of working.

**Richard Lochhead:** We could split the groups into big landowners and wee landowners.

**Rhoda Grant:** Or not landowners at all.

**The Convener:** It might be appropriate to contact a number of those organisations to see whom they thought most appropriate to represent their interests.

**Mr Rumbles:** Are we talking about at least half a dozen major organisations in one evidence-gathering session?

**The Convener:** How we break them down on the day would be defined by who it was and how long we had available. It is important that the organisations have the opportunity to comment on the issues at some stage.

**Mr Rumbles:** I want to be clear about what we are doing. On Tuesday 21 November, will the whole session be devoted to this matter?

**The Convener:** No.

**Mr Rumbles:** So it is only part of the agenda? That is ridiculous.

**Alasdair Morgan:** We have to bear in mind the fact that we have had written evidence from most of these bodies. Presumably, they have already put forward all the points that they wish to make. In the oral sessions, we should clarify any questions that arise from that. The oral sessions should not be an opportunity for the witnesses to go through the whole thing again.

**Mr Rumbles:** As long as we make it clear that we are inviting them here to question them and not for them to make presentations to us.

**Mr John Munro (Ross, Skye and Inverness West) (LD):** The issue seems to be getting more complicated the more we discuss it. As everybody will appreciate, the bill has changed dramatically since it was first mooted. When the bill was first presented it addressed—to my mind, at least—hunting with hounds and horses. Nobody realised that it would encompass the wide-ranging effects that it would have on Scotland, especially on rural Scotland. It is unfortunate that it has developed in that way. If we were simply addressing the bill as it was originally envisaged, we would have a fairly easy time. That is not the way it is turning out. If we are to take fresh evidence from some of the groups that we have just mentioned, we have to be careful that we are not discriminating against the groups from which we are not taking fresh evidence.

**Alasdair Morgan:** With respect, the bill that we are discussing is the bill as presented—it is the bill on which the evidence we sought is based.

**Mr Munro:** I accept that. When the bill came before members, it was in the form in which we now understand it.

**The Convener:** We still have to decide whom we want to have before us on this issue.

**Dr Murray:** I agree with Alasdair Morgan. We have a lot of written evidence already. If we want to take further evidence on the nature of pest control and so on, we need to consider the questions that we want to ask. Some of the answers may be in the evidence that we have already taken. We have to be sure what we want to ask, which will give us some direction on whom we want to ask it of, especially if we are considering the academic arguments for pest control. It may not be necessary to call in all those other people to ask them their views on pest control. I am sure that most people would say, "Yes, we need pest control." Presumably, what we are driving at is how to define pest control.

**The Convener:** Effective pest control. Who do we need to have before us to do that?



**Dr Murray:** That is the question.

**The Convener:** Would you like the advice of an academic who has knowledge in that area? I understand that the Scottish Parliament information centre is trying to identify someone suitable. We do not have a name at the moment, but there are people with knowledge in the field. Would it be appropriate to have one of them along?

**Alex Fergusson:** It is quite possible that the best academic with pest control knowledge and experience is with the Game Conservancy Trust, which should be represented at the evidence session.

**The Convener:** Would it meet with members' approval if we had the Game Conservancy Trust on the list? If the representative from the GCT and the academic turn out to be the same person, that is one less person to give evidence.

**Dr Murray:** The academics may not agree with each other—that is often the case. There might be academics on both sides of the argument; we may have to seek two people—one on each side—to give their views on pest control.

**The Convener:** I accept that. The Scottish Agricultural Science Agency has been identified as another body that might wish to give evidence. Would that be appropriate?

**Dr Murray:** What sort of advice could it present regarding the bill?

**The Convener:** Its evidence could relate to the predation of foxes and what foxes do in the countryside. From memory, I think that its written submission relates to issues such as the damage that foxes do in the countryside and how their number influences their level of activity.

14:30

**Richard Lochhead:** That is fair enough.

**The Convener:** The others on the list include a representative of a farmers or landowners organisation and of an animal welfare organisation.

**Mr Rumbles:** There should also be a representative of a land managers organisation.

**Rhoda Grant:** If one session is about pest control, sport, and what we need to do, I suggest that we restrict that to the academics and professionals. Landowners and the like will be included at another session.

**The Convener:** They could be included in practitioners.

**Rhoda Grant:** Yes, I think so. One session should be almost the scientific side.

**The Convener:** So far, we have confirmed the Scottish Agricultural Science Agency, the Game Conservancy Trust, and an identified academic with knowledge of pest control. The Scottish Gamekeepers Association was also mentioned. Would it be appropriate to include it with the practitioners?

**Members indicated agreement.**

**The Convener:** We also said that a representative of farmers or land users should be included with the practitioners. The other possible witness on the list is an animal welfare organisation. Would it be appropriate to invite a representative from one such organisation?

**Cathy Peattie (Falkirk East) (Lab):** It is essential. Our list sounds a bit one-sided.

**Mr Rumbles:** Which animal welfare organisation?

**The Convener:** I invite suggestions.

**Dr Murray:** It should be the Royal Society for the Prevention of Cruelty to Animals, or an organisation of that type. It would be the Scottish Society for the Prevention of Cruelty to Animals here.

**The Convener:** The SSPCA has been suggested. Is that the most appropriate organisation to give an academic or scientific insight?

**Irene McGugan (North-East Scotland) (SNP):** Given that we have agreed to a sub-heading on pest control and sport, where does the sport lobby come in?

**Mr Rumbles:** I agree. We need the sporting organisations to be here.

**The Convener:** Richard Davies suggests that if the evidence shows that fox hunting is not an effective pest control, it must be a sport.

**Mr Rumbles:** No. If we are talking about a law that prohibits a sporting activity, we should invite people who are involved in that sport to give evidence.

**Irene McGugan:** We cannot include the sport lobby's evidence by default.

**The Convener:** Whom do members suggest?

**Richard Lochhead:** We need to take evidence from people who ride the horses and participate in hunts.

**The Convener:** In which session?

**Richard Lochhead:** I do not know the answer to that. Wherever. If we are discussing whether hunting with dogs is a sport or a form of pest control, it is important to speak to the people who ride the horses and hunt the foxes.

**Mr Rumbles:** May we leave it to you, convener, to contact the sporting body concerned?

**The Convener:** Okay.

Are members now content with the suggestions for that evidence session? They are the Scottish Agricultural Science Agency, the Game Conservancy Trust, the SSPCA, an academic with knowledge of pest control and a suitable representative of those who have an interest in the sport.

**Members indicated agreement.**

**The Convener:** We have had a suggestion that the third evidence session, which is scheduled for 28 November, should involve the practitioners that are involved in the activity. The Scottish Gamekeepers Association has been mentioned in that context.

We have a list of other organisations. Which should we consider?

**Rhoda Grant:** I suggest that the Scottish Society for the Prevention of Cruelty to Animals should be removed from the list, because we will have spoken to it by then.

**The Convener:** Yes.

**Irene McGugan:** Perhaps the Scottish Countryside Alliance should also be removed from the list.

**Alex Fergusson:** I do not feel that somebody who gives evidence on the general principles should be ruled out from a later session on more specific aspects and practicalities. I am not happy about the SCA being removed from the list for the practical evidence session.

**Cathy Peattie:** That applies to the SSPCA.

**Alex Fergusson:** That is not the case. We agreed at an earlier meeting that we would discuss the principles of the bill with two umbrella organisations. The SSPCA will not be there, but will be discussing specifics. I would not argue against it being kept in for a second session as well. My point is that the fact that an organisation is giving evidence at the first general session should not preclude it from giving more specific evidence later.

**Cathy Peattie:** That is my point.

**Rhoda Grant:** We should keep the session that is under consideration to practitioners. The Scottish Countryside Alliance is an umbrella organisation of various groups, so it will, rightly, give evidence on the general principles. Then we must focus on the people who do the work or participate in the sport.

**Alex Fergusson:** Who else on that list participates in hunting?

**Rhoda Grant:** A representative of a hunt should be included.

**Alex Fergusson:** Fine.

**Dr Murray:** There could be a case for having a representative of a hunt. However, if we withdraw all the umbrella organisations, we should also withdraw Advocates for Animals and the Scottish Campaign Against Hunting with Dogs. That would allow us to include people who participate in hunting, but it could be argued that the other side would not get much of a look-in.

**Cathy Peattie:** It is important to be balanced. It will be difficult to make a decision if we hear only one side of the argument.

**The Convener:** There are a number of umbrella organisations included in the list that have different views. It will be necessary to include some of them in the session, but we should also think about individual activities that should be represented.

**Mr Rumbles:** I agree with the latter point because we are talking about making some activities illegal. It is right that we have a balance on the general principles of the bill, but we are also considering the bill's impact on various sectors. Organisations should make their pitch on the general principles, but we should focus, in the session that we are talking about, on the impact of the bill on specific activities. It would be iniquitous to insist on balance just to have three on one side and three on the other.

**Cathy Peattie:** I think we need a complete balance, because there are different views of what that impact will be. The evidence should not give only one side.

**The Convener:** Among organisations that represent practitioners, the Scottish Gamekeepers Association has been mentioned a number of times and it is appropriate to include it. The list also includes the Scottish Hill Packs Association—does anyone have a view on that? What about the National Working Terrier Federation?

The other organisations that are included in the paper may be associated more with the sporting side. For example, the Deerhound Coursing Club has submitted evidence. Do members think that it would be appropriate to take oral evidence from that organisation?

**Irene McGugan:** Perhaps it should be invited to come to the committee when we are looking for a sporting viewpoint.

**The Convener:** Does that suggestion meet with members' approval?

**Mr Munro:** What about the British Association for Shooting and Conservation?

**The Convener:** That organisation is on the list

for the next evidence session.

**Mr Munro:** I did not know that.

**The Convener:** I understand that the use of hounds to chase deer is illegal in Scotland and that the Deerhound Coursing Club is, apparently, an organisation for hare coursers. Do members wish to include that organisation in the second evidence session?

**Members indicated agreement.**

**The Convener:** On the British Association for Shooting and Conservation—

**Mr Munro:** I understand that the BASC is an umbrella organisation and covers all aspects of shooting. It also has an interest in conservation, so it would give us a fairly balanced view. Perhaps someone would like to suggest that shooting and conservation are not comfortable bedmates.

**Alasdair Morgan:** That would be an interesting debate.

**The Convener:** We will have heard evidence from the Scottish Society for the Prevention of Cruelty to Animals in the second evidence session. Given that the second and third sessions are supposed to run as a pair, is it necessary to hear evidence from one organisation on both days?

**Alasdair Morgan:** To pick up on the point made by Cathy Peattie, I suspect that it would be necessary to hear evidence from the other side of the argument. We would not be surprised if each organisation were to say that the specific activity in which it is engaged is pretty terrific and should not be banned by legislation. Specific arguments could also be made against each activity, but we will not have picked up those arguments in our earlier oral evidence sessions.

We must decide whether we want those arguments to be made before the committee. Certainly, we will hear positive arguments in support of each activity, but how will we get the negative arguments that are specific to each activity?

**The Convener:** We could choose to do that by inviting a different organisation to put those points—it would not have to be the SSPCA.

**Dr Murray:** People might also want to present an alternative to the particular activity that is under discussion; there may be organisations that want to present those alternatives. When we discuss pest control with practitioners, perhaps we should direct those organisations to put up someone who could describe alternatives to the pest control functions that are being debated.

**The Convener:** Do members wish to include the SSPCA in the third session?

**Mr Rumbles:** We should consider whether pest control activities are cruel. The presence of the SSPCA would be useful, as it would give us a chance to hear an opposing view.

**The Convener:** The Scottish Countryside Alliance and the Scottish Campaign Against Hunting with Dogs are also on the list. I am treating those organisations as a pair because they were included in the first proposed session. Do we wish to hear from those organisations in our third session?

**Mr Rumbles:** I do not agree. We are supposed to be considering pest control activities and the SSPCA will provide the alternative view on cruelty.

**The Convener:** Do members share that view?

**Cathy Peattie:** I am not confident about that approach. We should consider the balance, and the SSPCA is only one organisation.

**The Convener:** We have not reached the end of the list. Advocates for Animals, which was influential in the drafting of the bill, is also on the list. Would it be appropriate to take evidence from that organisation in that evidence session?

14:45

**Mr Rumbles:** I repeat my point that the purpose of the second session is to examine all the activities that are affected. The bill will have a major impact on all the organisations that are listed. We must hear evidence from those groups and ask them questions, but we must also hear the alternative view, as matters may arise during the meeting. I am happy to hear from Advocates for Animals, but if we are focusing on cruelty, there is no need to hear from the SSPCA too at that meeting.

**The Convener:** I have a slight problem with that point. I take the view that Advocates for Animals is a legitimate anti-hunting organisation, but that the SSPCA is an organisation that maintains a balanced position.

**Mr Rumbles:** We will have heard from the SSPCA during the previous meeting, so why not hear from Advocates for Animals at the second evidence session?

**Cathy Peattie:** We need to take evidence from both organisations, given that we will take evidence from groups that are pro-hunting.

**Rhoda Grant:** For reasons of balance, we need both organisations. Advocates for Animals was involved in drafting the bill, and it will be important to ask it about apparent points of conflict in the bill. The SSPCA does not have an interest in the bill, but would be able to advise us and present us with alternatives.

**Dr Murray:** I will make a slightly different suggestion. As Advocates for Animals was involved in drafting the bill, would not it be better to hear from it in the first evidence session? Perhaps it would be more appropriate to hear from the League Against Cruel Sports at the second meeting, as that group could comment on sporting activities.

**Mr Rumbles:** I am happy with that suggestion.

**Cathy Peattie:** So am I.

**The Convener:** The League Against Cruel Sports is not on the list; that is another oversight.

What about the suggestion that we move Advocates for Animals to the first session?

**Mr Rumbles:** I thought that Advocates for Animals was to be a replacement in the first session for the Scottish Campaign Against Hunting with Dogs.

**Dr Murray:** I am not sure how separate Advocates for Animals is from the umbrella organisation.

**The Convener:** We mentioned the Scottish Countryside Alliance and the Scottish Campaign Against Hunting with Dogs together because those two groups gave evidence to the Justice and Home Affairs Committee.

**Dr Murray:** It was because you said that Advocates for Animals had been involved in drafting the bill that I suggested it might be better to hear from it when we considered the general principles, rather than when we examined the specifics of the sports. I suppose it could be argued that that would unbalance the meeting on the principles.

**The Convener:** Are there any further comments about the balance of the first evidence session?

**Alex Fergusson:** Are you proposing to hear from both Advocates for Animals and the Scottish Campaign Against Hunting with Dogs at that meeting?

**The Convener:** That is the proposal that is floating round the table at the moment.

**Mr Rumbles:** We are getting bogged down.

**Alex Fergusson:** I am worried about the tendency towards requiring an exact balance of organisations at each meeting. The number of organisations that would be affected by the legislation if it were passed as published is considerably higher than the number that favour the bill. It is right that we have a balance of evidence at each session, but that does not mean that we should have the same number of organisations on each side. I am worried that we are losing focus.

**The Convener:** Do you object to the inclusion of Advocates for Animals at the first session without any other group being excluded?

**Alex Fergusson:** No. However, if that is what we decide to do, there are other organisations that could be brought in. That could be said of all evidence sessions.

**Rhoda Grant:** Mike Watson will probably bring a representative of Advocates for Animals with him when he gives evidence to the committee.

**The Convener:** Is it the committee's view that, in effect, Advocates for Animals will be represented at the first session?

**Mr Rumbles:** Yes.

**Alex Fergusson:** I share that view.

**The Convener:** Okay.

The session on 28 November will be quite busy. I am sure that the clerk has better notes than I do. However, on 21 November we will have the Scottish Agricultural Science Agency, the Game Conservancy Trust, the Scottish Society for the Prevention of Cruelty to Animals, the Deerhound Coursing Club and a representative of the fox hunting interests.

**Alex Fergusson:** By that last comment do you mean a representative of the sporting interests?

**The Convener:** Yes.

**Rhoda Grant:** Did we agree to have an academic as well?

**The Convener:** Yes.

On 28 November, we will invite the Scottish Gamekeepers Association, the SSPCA, the National Working Terrier Federation, the British Association of Shooting and Conservation, the Scottish Hillpacks Association and the League Against Cruel Sports.

There was a broad suggestion to invite someone from the Scottish Crofters Union, the Scottish Landowners Federation or the National Farmers Union of Scotland. Which organisation should we approach? We could approach all three organisations and ask them to agree on one representative.

**Alex Fergusson:** It might be better to invite them to the next evidence session, which is on the general impact of the proposals. Many people are giving evidence on 28 November already. How long will that session be? Will the whole meeting be devoted to evidence?

**The Convener:** It depends what happens. If we meet every week, we will have to deal with other business as well.

**Alex Fergusson:** We have identified six groups

already; if they have 10 minutes apiece, the session will last an hour. Ten minutes is not enough.

**The Convener:** We should consider inviting a representative of land users to the final evidence session, rather than on 28 November. Is that agreed?

**Members** *indicated agreement.*

**Mr Rumbles:** Alex Fergusson made an important point. How long are we allocating for the evidence?

**The Convener:** We will probably have to deal with the witnesses in two groups.

**Mr Rumbles:** How much time are we allocating? As you have said, convener, our agenda is extremely full. I would like to know how much time we are devoting to this subject.

**The Convener:** It is at the top of the agenda. There will be other activities. However, if we expect the session to be long, and we are meeting weekly, we can move other business to accommodate that.

**Alex Fergusson:** Towards the end of the previous bill that we dealt with—the National Parks (Scotland) Bill—the committee came to the conclusion that we were having to hurry. We did not like that. I will take a dim view if we find ourselves in a similar situation this time. I hope that we will have sufficient time to question our witnesses.

**The Convener:** Okay. To keep matters in focus, I will discuss the likely time scale of that meeting with members individually.

The final proposed session would be on 5 December. It has been suggested that, during that session, we could pursue the wider impact of the bill. We could invite representatives from the Macaulay Land Use Research Institute, the Borders Foundation for Rural Sustainability, which sent us a good written submission, and the Scottish Executive itself, whose advice would be invaluable. It has been suggested that we also invite a land users representative, and we shall seek agreement among interested organisations on who that should be. Would those four interests be an appropriate representation on that issue?

**Mr Rumbles:** If enacted, the bill will have a major impact on rural Scotland and there are many organisations on which it will have a detrimental effect. Accordingly, I would like to invite the Minister for Rural Affairs to represent the Scottish Executive, rather than civil servants.

**The Convener:** Do members think that it would be appropriate to have the minister at our meeting on 5 December?

**Richard Lochhead:** It is subjective to say that the bill will have a major impact on rural Scotland. I am not opposed to having the minister along to give evidence, but we should not invite him because we think that the bill will have a major impact on rural Scotland. Whether that is true or not will emerge in due course.

**Irene McGugan:** I am mindful that we have received a number of petitions about this issue. Eight petitions were keen that the Macaulay remit be extended to cover the social, economic and environmental significance of the bill. Presumably that will form a large part of our evidence taking. If we agree with those eight petitioners that further research is necessary, what would the time scale be for that? We will consider that aspect of the bill quite late in our deliberations, and we might want to research it more fully.

I was also concerned to learn that there are cut-off dates for proposals, which we might miss if we leave our debate on this aspect until 5 December. I understand that there is a cut-off date in November.

**The Convener:** The cut-off date for immediate research is 24 November. Do members think that we may want to commission research in the current time scale?

**Irene McGugan:** If we miss that cut-off date, will we be unable to commission even limited research until much later on?

**The Convener:** Yes. That would be the case. Any research that we commission will be conducted on a rather longer scale than many of us envisaged for this process.

**Irene McGugan:** In that case, perhaps we should consider at quite an early stage whether we are likely to need any further research on this aspect.

**Mr Rumbles:** Is the cut-off date the final date on which we can ask the conveners group to allocate funds?

**The Convener:** Yes.

**Mr Rumbles:** I suggest that we should make our decision on 5 December, having gone through all the evidence. However, you could submit a proposal to the conveners group to put down a marker to discuss, and provisionally agree to, further research if that should prove necessary. People on both sides of the debate would not want the bill to be held up because we wanted more research. If we feel that we want more research, we should be able to go ahead and get it. It is not unreasonable to ask the conveners group to set aside certain financial resources that we could use if we needed to.

**The Convener:** We could move the 5 December

discussion forward, but it would be inappropriate to discuss the overall impact without first having taken the rest of the evidence. We shall therefore deal with the research and resources issue as Mike Rumbles has suggested.

**Irene McGugan:** I am happy with that.

**The Convener:** Are there any other suggestions for our meeting on 5 December?

**Alex Fergusson:** I have another suggestion, but it does not concern 5 December.

**The Convener:** Are there any other comments on this point?

**Richard Lochhead:** I have a question about the Borders Foundation for Rural Sustainability. Does that organisation involve local businesses that claim they would be affected by a ban on hunting?

15:00

**Alex Fergusson:** Convener, I was sent a paper from that organisation the other day. I think that all members have a copy. It shows that a great deal of research has been done on the social, economic and environmental impact of the bill and other developments. I contend that it is essential that we talk to that organisation.

**The Convener:** It has produced some high-quality work.

**Alex Fergusson:** It is not a narrowly focused lobbying organisation. It produces high-quality work.

**Richard Lochhead:** It might be worth talking to someone from a local business who claims that there will be an economic impact. That will help us to examine the issue of sustainability in the Scottish Borders.

**Dr Murray:** I think that that aspect would be covered by another organisation.

**The Convener:** Are we all satisfied with the four suggestions that we have for evidence on 5 December?

*Members indicated agreement.*

**The Convener:** Does any member have anything to add on the general process?

**Alex Fergusson:** I think that we have included most organisations that represent people on whom the bill would have an impact, other than people involved in falconry. Perhaps we should make room for them on 21 or 28 November—falconry might be relevant to the discussions on those days. The bill has a direct impact on that section of the community, and those people have a right to be heard.

**The Convener:** Would it meet with the approval

of the committee if we contacted them?

**Rhoda Grant:** I thought that we had decided that, if something might be amended at stage 2, we would take the relevant evidence at stage 2.

**The Convener:** Yes. We have to deal with the bill as presented at stage 1. While it is reasonable for us to expect certain amendments, it is not possible for us to assume that the amendments will be forthcoming or admissible.

Does the committee agree to invite representatives of the falconers?

*Members indicated agreement.*

**Alex Fergusson:** Will that be on 21 or 28 November?

**The Convener:** We will see where we can fit them in.

On the more general aspects of the investigation, I have spoken to members of the committee who have suggested that it might be appropriate for the committee to make a field visit in relation to the inquiry. Are there any views on that?

**Alex Fergusson:** We need to make more than one field visit. As we have all said, the bill will affect many activities, such as hunting and gamekeeping. We should make a visit for each of those activities.

**Mr Rumbles:** I said last week, with regard to the Salmon Conservation (Scotland) Bill, that the committee had to get out of Edinburgh more often. There seemed to be some resistance to that idea. However, if we are taking all this evidence on the bill—which is not an Executive bill—it would do no harm to meet in rural Scotland, outwith the central belt.

**The Convener:** We are in the difficult position of inviting people to give evidence without having decided a venue in which to meet. We could be left with a short time scale.

I had in mind the idea that some members might wish to visit a hunt.

**Dr Murray:** There is a difference between the whole committee going on a visit and members going on a visit and coming back with evidence—which I have done, to an extent.

As far as going on a hunt is concerned, members will not really see what happens to the fox unless they are a good rider and are up at the front. Although I ride, I am not good enough to keep up at the front of the hunt.

**Mr Rumbles:** That is exactly the reason why we all need to go to a hunt.

**Dr Murray:** But we will not see anything.

**Mr Rumbles:** That is not true. I have been to hunts, although I do not ride and have never ridden a horse. This is exactly why we need to increase our education. Otherwise, we will be making decisions that are based on ignorance. That is all right for making decisions around a table, as we are now. I think it is absolutely essential that we attend a hunt as a committee. If we are to consider a bill that would ban hunting, we should at least have the courtesy to go to a hunt.

**Dr Murray:** I have met—as it were—both sets of kennels in my constituency, which I consider my duty as a constituency representative. I am not sure how much would be achieved by the entire committee turning up at a hunt, and I am not sure what we would see.

**Cathy Peattie:** I would object strongly to going to watch a fox being pulled to bits to prove anyone's evidence. I am sorry, but I could not do it.

**Alex Fergusson:** That also demonstrates why we should go and visit a hunt. I have never been to a hunt in my life. I would like to go because I understand that, not only do people ride to hounds—I think that that is the expression—but that there are a considerable number of hunt followers, who go by all sorts of other vehicles and modes of transport. I would like to meet hunt followers and I think that the committee ought to do that. My understanding is that they are very far removed from the image that we are given of toffs in red coats on horses—they are a cross-section of the fabric of the community and the society from which the hunt emanates. We owe it to them to visit them.

When we start talking about pulling foxes to bits and so on, that is a different argument altogether, but one that we should also examine. We need to consider what is cruel, and what the definition of cruel is, before making further progress with the bill. It is vital that we visit hunts. We must also visit an estate where the gamekeeper needs to put dogs underground in order to control the vermin to allow the estate to survive. If members do not want to come, that is up to them.

**Alasdair Morgan:** I have no self-interest in this, as I will not be on the committee when members make the visit. I think there is a slight lack of logic in what Mike Rumbles said—I came back into the room as he was saying it. I apologise for having to leave for a minute.

If members are to visit one activity—we understand that under the bill, many activities would be banned that include many kinds of mammals and many ways of hunting them—logic dictates that we should visit them all. The logic on fox hunting is that members would have to keep

visiting a hunt until they saw a fox being killed. To satisfy both sides of the argument, they would have to keep visiting hunts until they saw the foxes getting killed in different ways, because of the argument about how they get killed. I cannot see where it ends. I am well aware that there are people who are against the bill—many of them have come to my surgeries. I do not need to go into the country again to understand who is involved in the activity. I have had a fair number of representations from people on both sides of the argument.

**Mr Rumbles:** Alasdair Morgan was out of the room at the time—otherwise, he would have heard one member voice the view that we could not go to a hunt because we could not ride. My point is that we are saying things—with respect—rather in ignorance of the activities that we are considering. That is evidence that we do not have all the information. It is essential, in my view, that we visit a hunt as a committee.

I understand Cathy Peattie's strongly held view and her wish not to participate—I respect that. However, it sends out the wrong message if the committee is unwilling to go and visit a hunt when we are considering a bill that will ban so many other activities.

**Rhoda Grant:** I am a bit concerned about the direction that the committee is taking. In Parliament, we make decisions about hundreds of thousands of issues, many of which I have no practical experience of. Although I am quite keen to go out and take evidence from people who might not be able to make it to Edinburgh, we should not be so emotional. We should realise that we represent the views of our constituents and we should be able to make decisions about taking evidence from people. We should not participate in every issue on which we have to make a judgment.

**Dr Murray:** I said that no one will see the death of a fox unless they are a good enough rider to keep up with the hounds, but it does not matter whether one can ride or not. The issue is the death of the fox, not people riding horses—at least, I hope that no one is trying to introduce a bill to prevent people from riding horses.

If we extend Mike Rumbles's argument, all 129 MSPs will need to go out and see a hunt, because they will ultimately make the decision about whether the bill progresses beyond stage 1. How far does he want to go?

**Alasdair Morgan:** We are considering the Salmon Conservation (Scotland) Bill next. If we extend the logic of Mike Rumbles's argument, I can see some visits coming up for that bill as well.

**Mr Rumbles:** You knocked that suggestion back last week, Alasdair.

**Richard Lochhead:** We must strike a balance between making a gesture and doing what is useful. I question how useful it would be to participate in a hunt. However, it might be an idea to circulate a list of any such events to the committee—members could decide whether they wanted to go along. We cannot make a gesture for every inquiry that we undertake. For example, we have just had an inquiry on employment patterns in rural Scotland, but none of us went out into rural Scotland to try to find work.

**Mr Rumbles:** We have just gone round rural Scotland, Richard. We had seven public meetings.

**Richard Lochhead:** As I said, making a gesture is one thing, but I question the use of going to a hunt.

**The Convener:** Having heard members' comments, I think that there is a majority against organising a committee visit. Members who wish to make such a visit should seek appropriate arrangements. Are members agreed?

**Mr Rumbles:** The committee is sending the wrong message. This is not an Executive bill; it is not time-bound and we do not need to rush it through. I just do not understand the committee's logic. We were supposed to take oral evidence to expand our knowledge of the written evidence, but the committee does not want to ensure that we have all the evidence that we require.

**Cathy Peattie:** We cannot assume that we will not have all the evidence that we require—we have not heard any yet. Members are not against going outwith Edinburgh, but that is not the issue.

**Mr Rumbles:** The committee does not go outwith Edinburgh, however. When I made a similar suggestion last week, it was knocked back and it has been knocked back again this week. The committee just does not want to leave Edinburgh.

**Cathy Peattie:** I have no problem with leaving Edinburgh.

**Dr Murray:** That is absolute nonsense, Mike.

**Alex Fergusson:** I am rather saddened. I have said several times that no matter which side of the argument one comes from, the bill seeks to ban something that people have enjoyed for many years. If nothing else, the committee owes those people an undertaking that we would conduct exhaustive evidence taking. Members did not disagree with me when I said that. By taking a decision not to visit certain people and events, we are going back on that undertaking.

**Mr Rumbles:** I do not want the committee to close off the option. On Cathy Peattie's point, after we have heard all the oral evidence, we could return to the issue at the meeting on 5 December.

**The Convener:** Is it appropriate to pass over the issue for the moment and to ask the clerk to investigate possibilities so that we have a clearer idea of what we might discuss on 5 December?

**Dr Murray:** That is not necessary. Members can arrange their own visits if they wish; some could easily be arranged in my constituency and I would have no trouble attending them. They do not necessarily need to be constrained until after 5 December.

To be honest, some of this sounds a bit like an attempt to prolong stage 1. If a number of people want to visit a hunt or to visit kennels, I will happily arrange it for them—I have contacts in the hunting and gamekeeping fraternity. However, to wait until after 5 December for a date that would be suitable for the entire committee looks to me like an attempt to waste time.

15:15

**Mr Rumbles:** Convener, I would like to register my objections to those comments. I am sure that Elaine Murray will accept that it was me who suggested several weeks ago that the committee should not take oral evidence. I said that because I thought that we had enough written evidence. This is not an attempt to prolong things, but an attempt to ensure that we get our decisions right. It was Elaine Murray who suggested that we had to do that. Now it seems that the tables are turned; all of a sudden, she does not want to do that. It seems most strange, and I resent any implication that—

**Dr Murray:** I do not want to protract the discussion at stage 1. Mike Rumbles has already been quoted in the national press as saying that he wants to drag it out as long as possible.

**Mr Rumbles:** That is not true.

**Dr Murray:** It looks as if that is what he wants to do. It will be quite possible for a number of members to arrange appropriate visits in a number of constituencies, should they wish to do so. However, I am afraid that this looks like an attempt to protract stage 1.

**Mr Rumbles:** I am terribly sorry that Elaine Murray takes that view. I have not been in the press saying what she says I said—I do not know where she gets that from.

**Dr Murray:** It was from *Scotland on Sunday*.

**Mr Rumbles:** If she looks through the *Official Report*, Elaine Murray will see that I have been trying to bring the matter to a conclusion.

**The Convener:** I say to Elaine Murray and Mike Rumbles that it is obvious that there is not a majority on the committee that wants to decide to go ahead with a visit at the moment. We should



allow the issue to die at this point. It would probably be inappropriate for us to say that we will not make a visit in future. We will be able to consider the matter if it is raised again. However, in the meantime, the committee does not wish to make a visit.

If no one else wishes to raise any points, I would like to thank members for the time that they have devoted to the matter. Coming up with a schedule that would allow us to do what we are setting out to do has been one of our biggest challenges. We have finally managed to break the back of the operation. I hope that we can now progress towards taking evidence on the issue in a fairly brisk and straightforward manner, and that we can give the issue the inquiry that it deserves.

## Salmon Conservation (Scotland) Bill

**The Convener:** Item 2 on the agenda is the Salmon Conservation (Scotland) Bill. The bill was introduced on Friday and has been circulated; all members should have a copy.

The paper from the senior assistant clerk outlines a possible programme of evidence taking on the bill. It suggests that we call for written evidence immediately and lists a number of organisations that should be asked to respond. The idea behind asking for additional written evidence, over and above the Scottish Executive rural affairs department's consultation, is to ensure that all the consultees will have a full opportunity to comment on the bill. The list will be supplemented by a press release asking for any interested organisation to respond directly.

It was agreed last week that we should take oral evidence on 7 November and aim to agree a draft report by 14 November. Are there any comments on the outline timetable or on the list of organisations to be consulted? Given that we discussed the matter last week and agreed most things, all that I need from members today is confirmation that the list of consultees is agreed.

**Members indicated agreement.**

**Mr Rumbles:** I do not wish to go on about this, but, in the *Official Report* last week, I said:

"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 then asked:

"Do members agree to make a formal approach on that basis?"—[*Official Report, Rural Affairs Committee*, 26 September 2000; c 1171.]

The *Official Report* records that committee members indicated agreement. I am not sure where that agreement fits into our timetable.

**The Convener:** I am slightly concerned about that. We agreed to solicit invitations on behalf of committee members, and that has been done.

**Mr Rumbles:** So, we are going to visit as a committee. That is what the *Official Report* says, and that is what I understand will happen.

**The Convener:** We will be able to discuss that when we have the invitations.

**Mr Rumbles:** I am happy with that as long as we plan for it.

**Richard Lochhead:** Has the Association of Salmon Fishery Boards been contacted?

**The Convener:** Yes. We will meet its representatives later this week.

The list of consultees that was used originally by SERAD, and on which we are relying, is fairly comprehensive. This is the final opportunity for a member of the committee to make any additional suggestions about who should be involved.

As there are no additional suggestions, is the list of consultees adequate?

**Members indicated agreement.**

**The Convener:** As members have no further comments on the Salmon Conservation (Scotland) Bill, we will proceed in accordance with the paper that was discussed at last week's meeting.

## Agricultural Business Improvement Scheme

**The Convener:** Item 3 on the agenda is the Audit Committee's report on the agricultural business improvement scheme. Although the item was placed on this week's agenda, it arrived very late and most members will have seen the report only today. Is that the case?

**Members indicated agreement.**

**The Convener:** The only function of having the item on the agenda is therefore to ask members whether it would be appropriate for the committee to consider the item and put it on the agenda for discussion at a later date. Do members agree to that action?

**Members indicated agreement.**

## Subordinate Legislation

**The Convener:** Item 4 is subordinate legislation: the Export of Pigs, Porcine Material and Bovine Animals (Scotland) Regulations 2000. This instrument has been laid under the negative procedure and the regulation extends only to Scotland. The regulation would implement EU decisions that relate to the recent outbreak of swine fever. The Subordinate Legislation Committee had no comment to make on the instrument. If any concern is expressed, the Rural Affairs Committee must submit a report by 23 October. Are members content with the instrument?

**Members indicated agreement.**

## Petitions

**The Convener:** Item 5 on the agenda is petition PE194, in the name of Mr D Keith on behalf of the Scottish Campaign for Public Angling. Members should have copies of the petition and a cover note from the clerks. The petitioner seeks the revocation of the River Tay Catchment Area Protection (Renewal) Order 1993 Variation Order 1996. The petitioner complains that, since the designation of the order, there has been a marked reduction of availability on the River Tay of fishing for brown trout and other freshwater fish, and calls on the Scottish Parliament to revoke the order.

Papers have been submitted in relation to the petition, which members should have in front of them. Do members feel that we have enough information to comment on the matters that are addressed in the petition?

**Alasdair Morgan:** The petitioner says that the aim of the order was to improve public access to fishing, blah, blah, blah. Was that the aim of the order?

**The Convener:** No, not according to my interpretation of the papers that we have been given.

Paragraph 4 in the briefing paper indicates that orders cannot be made unless an owner of fishing rights applies for an order to be made in the interests of improving, or giving increased access to, fishing. It also states that orders cannot be made unless a representative of those who want to fish for freshwater fish in inland areas has been consulted. Fishing for those who are not owners of fishing rights must continue to be available to a reasonable degree after the designation and the order must be made in the interests of conservation of a fish species.

Although the petitioner is correct in drawing our attention to the first point in paragraph 4, it is a different issue from that which appears in the last point in paragraph 4. There is more than one reason for an order to be made.

**Richard Lochhead:** I am not too familiar with the circumstances in relation to the River Tay, but I have a lot of sympathy for arguments for increased access to Scotland's freshwater fisheries. It is an enormous issue in rural Scotland. Labour policy was to implement several proposals to increase and improve access. However, none of those proposals has been implemented since the 1997 general election. The Parliament must address that.

One way forward would be to contact the minister. We should ask him for his response to the petition, whether he views the order as a

success and what steps have been taken to monitor its success. As has been mentioned, 13 such orders are in force. It would be in the committee's interest to find out what has been done to analyse to what degree the orders are successful. We should also ask for a specific response to the petition.

**Alasdair Morgan:** It would appear from the briefing note that orders cannot be made unless all four of the conditions that the convener mentioned are met. The owner said that the order is in the interests of improving, or giving increased access to, fishing. If what the petitioner says is correct, which is that access has decreased, it seems clear that one of the objects of the order is not being fulfilled. There is at least a *prima facie* case for considering it further.

**The Convener:** Will we, as Richard Lochhead suggested, approach the minister for an explanation as to why the order was granted so that we can consider it further?

**Alasdair Morgan:** We should also ask the minister whether he is aware of the history of access to fishing on that area of the Tay since the order was made.

**Rhoda Grant:** Can we clarify how effective the order has been for conservation? That is relevant to the Salmon Conservation (Scotland) Bill, so it might be a good idea to get feedback on that. The order was put in place with conservation in mind. Monitoring must have taken place to find out what stocks were like.

**The Convener:** We could ask the minister how effective the order has been against the criteria that were set out. We will approach the minister for that information.

As there is nothing further on agenda item 5, we will move to item 6, which is the continuation of a previous agenda item that the committee agreed to take in private.

15:29

*Meeting continued in private until 16:45.*



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