

RURAL DEVELOPMENT COMMITTEE

Tuesday 6 November 2001
(*Afternoon*)

Session 1

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RURAL DEVELOPMENT COMMITTEE

24th Meeting 2001, Session 1

CONVENER

*Alex Fergusson (South of Scotland) (Con)

DEPUTY CONVENER

*Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)

COMMITTEE MEMBERS

*Rhoda Grant (Highlands and Islands) (Lab)

*Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab)

*Richard Lochhead (North-East Scotland) (SNP)

*Mr Jamie McGrigor (Highlands and Islands) (Con)

*John Farquhar Munro (Ross, Skye and Inverness West) (LD)

*Dr Elaine Murray (Dumfries) (Lab)

*Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

Elaine Smith (Coatbridge and Chryston) (Lab)

*Stewart Stevenson (Banff and Buchan) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Mr Murray Tosh (South of Scotland) (Con)

Mike Watson (Glasgow Cathcart) (Lab)

WITNESSES

Paul Crofts (Scottish Hill Packs Association)

Thomas Parker (National Working Terrier Federation)

Ronnie Rose (Scottish Gamekeepers Association)

CLERK TO THE COMMITTEE

Richard Davies

SENIOR ASSISTANT CLERK

Mark Brough

ASSISTANT CLERK

Jake Thomas

LOCATION

Committee Room 1

Scottish Parliament

Rural Development Committee

Tuesday 6 November 2001

(Afternoon)

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

The Convener (Alex Fergusson): I welcome everybody to this meeting of the Rural Development Committee. In particular, I welcome visiting MSP Murray Tosh, which I failed to do last week. It is nice to have you with us.

We have apologies from Elaine Smith, who is in Ireland.

Item in Private

The Convener: Item 1 is to ask the committee to take item 4, which is consideration of a draft stage 2 report on the budget process, in private. I seek the committee's views.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Members will be aware that throughout the Scottish Parliament there is a move to cut back on the number of parts of meetings that are taken in private. We have become used to going into private session every time a draft report is before us. This case provides an ideal opportunity not to do that, because the draft report is quite non-controversial—it is straightforward and would not cause controversy if we took it in public session. I hope that members appreciate the attempt to keep the meeting more open.

The Convener: Equally, members will be aware that, since I became convener, we have tried hard not to take items in private. I take the view that a draft report is perhaps a different thing altogether, but I have always said that I will not stand in the way of the committee discussing all items in public session if it wishes to do so. Are there any other comments?

Stewart Stevenson (Banff and Buchan) (SNP): As one of the authors of the report, I am perfectly content to have my work discussed in public.

The Convener: Is that the feeling of the committee? Do any members feel that we should discuss the report in private? If no members feel that way, we will not take item 4 in private; it will be held in public session.

Subordinate Legislation

Potatoes Originating in Germany (Notification) (Scotland) Order 2001

The Convener: Item 2 is subordinate legislation. We have one statutory instrument to consider, which is the Potatoes Originating in Germany (Notification) (Scotland) Order 2001 (SSI 2001/333). Members will note that the Subordinate Legislation Committee considered the instrument in its 39th report, an electronic copy of which members were sent when it was published late on Friday afternoon. Members should also now have a hard copy of the report.

The Subordinate Legislation Committee made some comments to which I draw members' attention. As no member has intimated a desire to speak on this topic, I ask whether members are content with the order.

Members indicated agreement.

Protection of Wild Mammals (Scotland) Bill: Stage 2

The Convener: Last week, as members will recall, we agreed to seek written evidence on amendments that are still to be considered. We have received 10 responses. I take this opportunity to thank those organisations who took the trouble to answer our call and send us their very useful submissions at short notice. I hope that members have the evidence with them; they have certainly had the submissions for a day or two.

A list of all amendments lodged up to and including Friday 2 November was e-mailed to members last night. Members should also have a note from the clerk reminding them of the decisions that have been taken so far, to avoid going back over old ground. It is important that we do not do so, because we have no power to revisit matters on which decisions have already been taken. Finally, I hope that members have the note of the main issues raised by current amendments and the written submissions that relate to them that was passed around earlier today. Copies of that paper are still available for members who do not have it.

The committee agreed to take oral evidence today. I very much welcome Ronnie Rose from the Scottish Gamekeepers Association, Tom Parker from the National Working Terrier Federation, and Paul Crofts from the Scottish Hill Packs Association. The witnesses will answer questions about amendments that have been lodged and other issues that have been raised in written evidence.

Before I begin the evidence session, I want to give members the opportunity to raise any points about the written evidence that we have received.

Dr Elaine Murray (Dumfries) (Lab): I wonder whether members who have lodged amendments would like to say a little bit about why they lodged them.

The Convener: I hope that that will happen in the course of questioning. It is important to point out that members will question the witnesses, who will give answers; witnesses will not be able to enter into debate. Nonetheless, it is open to members to discuss among themselves any relevant points that might arise.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I want to ask the witnesses specific questions about material contained in the amendments to find out their views about the new material.

The Convener: We will see how the discussion develops. I would like to think that some of Elaine Murray's concerns will be addressed in the course of the afternoon.

First, the witnesses may take a minute or two at most to add any comments to their written evidence. I ask Ronnie Rose of the SGA to lead off.

Ronnie Rose (Scottish Gamekeepers Association): Good afternoon, everyone. I thank the committee for giving us the opportunity to explain some of the issues that are raised in the amendments. I look forward to answering members' questions truthfully, based on my 50 years in wildlife management.

I have three equally important concerns. First, the committee should be aware that birds such as capercaillies are under threat. If we do not keep up effective pest management, those birds will no longer be with us in 10 years' time. Pest control—or pest management, as I like to call it—is an important part of Scotland's future. As professionals, we require the use of dogs to deliver that.

Is that enough for now?

The Convener: If you are happy with that, so are we.

Ronnie Rose: I would probably prefer to answer questions.

Paul Crofts (Scottish Hill Packs Association): Good afternoon, ladies and gentlemen. Throughout this debate, we have tried to be as honest and frank as possible with the Rural Development Committee. Our written submission sets out, step by step, how the Scottish Hill Packs Association operates. If the association is to continue to operate, we need clarification on five points.

We do not want the Rural Development Committee to tell the Parliament, which will then tell the media, that the pest control situation is sorted out, and we do not want to be left with amendments that are very much open to interpretation and that lead to members of our association being forced to be defendants in test cases in the courts.

Thomas Parker (National Working Terrier Federation): I thank the committee for inviting us. I have been involved in the National Working Terrier Federation for approximately 20 years. We have been trying to clean up what some people perceive as the not very nice end of the fox control business. We have done that quite successfully over the past 20 years. We have brought the National Working Terrier Federation code of conduct to the fore, and it is according to that code that most practitioners work terriers in Britain today. That could effectively be included in some of the amendments before the committee.

The gamekeepers have said that problems with pest control are looming. In particular, a lot of

problems seem to be in the pipeline with regard to mink. The committee will have to try to keep a lot of options open, because if something is set in stone today, members may regret it tomorrow.

We are now open to questions.

The Convener: Thank you very much, gentlemen, and thank you for keeping your remarks brief, because that allows members more time to contribute. I invite members to ask questions.

Fergus Ewing: I want to raise an issue that arises from Mr Watson's new amendment 1. It seems to replace an amendment that was published in the stage 1 report at page 295, although it has undergone some significant changes.

The Convener: I interject, because we have already dealt with amendment 1, so we cannot discuss it further.

Fergus Ewing: I should have said amendment 53. I am reading from a sheet of paper with different numbering. I apologise.

Amendment 53, in the name of Mr Watson, seems to be a variant of an amendment that he said he would lodge at the previous stage. It was published on page 295 of the committee's stage 1 report. Mr Watson now seems to recognise that it is necessary to use dogs underground to control pests, but he does not seem to acknowledge that in some circumstances it may be necessary to use dogs underground for the purposes of dispatch of, for example, orphaned cubs.

I ask each witness in what circumstances they and their organisations' members use dogs underground and what effects—if any—they feel it would have on their activities and on the control of pest species, particularly the fox, were it illegal to have dogs dispatch orphaned cubs.

The Convener: I ask the witnesses to respond in the same order as before. I invite Mr Rose to reply first.

Ronnie Rose: I think that the best thing is to explain why it is absolutely vital that we dispatch—and are able to dispatch—cubs underground. We have come a long way in the past 30, 40 or 50 years. The last thing that we want at a den is a fight. We want to be effective and we do not want damage to be done either to the cubs or to the dogs. The practice has developed over a long time.

For roughly the first two weeks, the vixen is underground and the cubs are blind. When the terrier goes down into the den, it is like killing a rat; it is a case of "Bang, bang, bang" and they are dead. In most cases, the vixen does what we call a broken wing act—she bolts from the hole to try

to lead the dog away. That is how she can be shot. Sometimes the terrier kills some of the cubs when it enters the hole and sometimes the vixen bolts. The cubs are killed very fast—"Bang, bang, bang". If they were not dealt with in that way, the only alternative would be slow starvation. I prefer wildlife to human beings. We do it that way because it is a humane way to deal with the problem.

It should be remembered that at that early stage in the fox's life cycle the mother and father have a tremendous effect on food availability. Rare birds could be available. The fox does not know the difference between a rare bird—such as a capercaillie or a ptarmigan—and a creature such as a rabbit. Vixens take what they can as fast as they can. When I was studying the fox, I took 1,000 specimens and found 97 different varieties of food. They pile up food at the hole. The pile around the den is high.

We must kill foxes for humane reasons. It must be understood that we do not do it for the joy—we are pest control officers.

14:15

Paul Crofts: Mr Rose has covered the subject well.

In the springtime, we are often called out to lambing parks where farmers are losing lambs to foxes. We take the hounds in the early morning and try to pick up the scent of the fox at the lambing farm. The hounds trail the fox back to the den and then we put the terriers to ground. As Mr Rose said, at that stage it is purely a question of animal welfare. The terrier usually kills the cubs underground, which should be the end of the matter.

One problem with amendment 53 is what we are to do if the vixen does not bolt, but keeps to ground. I spoke to Rhoda Grant about three weeks ago and she led me to believe that subsection (2)(b) of the new section proposed in amendment 19 would allow digging down to rescue the dog and dispatch the fox. We would like to clarify that that is her intention with amendment 19.

The Convener: I am sure that Rhoda Grant will clarify that in a minute.

Would Mr Parker like to add anything?

Thomas Parker: One thing that nobody has mentioned is that, even when the cubs are young, the vixen will sometimes lie off them.

On the first lambing call-out after we started up again after foot-and-mouth disease, a vixen was taken from a hole and it bolted into a net and was shot. The cubs were in an entirely different hole about 50 or 60 yards away. Without the use of a terrier to dispatch those cubs, which were about

10 days old at the time, they would have suffered a more cruel death. The terrier killed them immediately and brought them out. Generally, when cubs are as small as that, the terrier will kill them. Once they are bigger than that, the cubs will bolt and be shot.

I go back to the fact that the Scottish Society for the Prevention of Cruelty to Animals agreed in its original oral evidence that allowing the cubs to starve would amount to greater cruelty. That is my opinion as well. Sometimes the vixen sits off the cubs. After a lactating vixen has been killed, only a properly trained and controlled terrier can search for the cubs.

Fergus Ewing: I well remember that evidence from James Morris of the SSPCA. To pursue the point, I highlight the response we received from the Scottish Campaign Against Hunting with Dogs, which stated, at paragraph 2.7:

"Orphaned fox cubs represent a particular dilemma for animal welfarists. One option open to the Committee, which already applies in some European countries, is to impose a closed season. However, in the absence of universal support for a closed season, we condemn the use of terriers to deliberately kill fox cubs in the earth as a means of population control, and the deliberate killing of vixens that are nursing dependent cubs."

One option that may or may not arise in the amendments is the introduction of a closed season. Could each of the witnesses comment on what effect that might have on nature and wildlife?

Ronnie Rose: A closed season would probably be bad for conservation, because it would not allow us to engage in effective pest control. I have studied the countries in Europe where that measure has been introduced, and the problem is that rare birds are wiped out by ineffective pest control. For example, to be effective, we have to have input in April. In August, another lot of cubs come on to grouse moors and live in peat hags, because they provide water and cover. That demands that we deal with the situation then.

As professionals, we are aware that the use of fox snares in capercaillie areas will not be possible—we will oppose it. If we are going to withdraw fox snaring, the most effective way to address the capercaillie issue in winter, when the birds are not vulnerable to public pressure or pressure from hunting, is to use pack hounds. That would drive out foxes and we would shoot them.

Those are three reasons why we cannot have a closed season and have effective pest control.

Fergus Ewing: Are you saying that a closed season would pose a threat to the continued existence of the capercaillie?

Ronnie Rose: Without a doubt. It would be the same for the blackgame. As professionals, we

have studied that. We have approximately eight to 10 years to save the capercaillie, and we have 15 years to save the blackgame.

Paul Crofts: Mr Rose has covered the issue well. I can only say that in the Highlands, for all the fox control that we carry out, we are swimming against the tide. Foxes are cunning animals. They tend to adapt their food sources and they are always on the increase. To be allowed to kill them for only, say, six or eight months a year would leave the door wide open to an increase in the population.

Of course, it is no coincidence that the time of greatest predation, in particular on lambs, is when the fox has cubs to feed. It is no coincidence that foxes breed at that time of year. They breed then because everything else is breeding, so they have a food source for bringing up their cubs. In some instances, we have found as many as 12 lamb carcasses in one hole. People think that is wasteful, but if you examine what the fox is doing, you discover that it has the lamb carcasses in a cool hole for 10 or 12 days. When the cubs start to be weaned, they have a ready source of food. By that time, the lamb carcasses are full of maggots. That is an instant source of easily digestible protein for cubs. That is why foxes breed at that time of year, and that is why farmers call us, in particular in the central area, at that time of year—because they are losing their lambs.

People who are against terrier work should ask themselves, if the fox was coming in and taking £10 notes off their mantelpiece, how long would they put up with it? That is exactly what they are doing to farmers.

Mr Rumbles: I will ask the three witnesses two questions. First, are they saying that all the amendments that are before us today are deficient in one way or another, whether they were lodged by Mike Watson, Dr Elaine Murray, Rhoda Grant, my colleague John Farquhar Munro, or me? Do none of them cover your work 100 per cent? Secondly, which of the amendments do you think is the best of a bad job?

Ronnie Rose: We are impressed that there are so many good, constructive amendments. I was worried about the amendments, but there has been a lot of honest soul-searching in them and anything that concerns me probably comes from a lack of communication or a lack of understanding.

However, several people are saying that we need a code of conduct while others are asking why we need a new code when there is already an excellent code that the professionals have kept to and that looks after the welfare of the dogs and the fox. That particular principle is already covered.

As far as credibility is concerned, I have been a

special constable for 30 years and I have worked with the police on cases involving those on the maniac side who go out looking for badgers with a pack of dogs. Along with the police, I have arrested such people and none of us at the table wants anything to do with them. If we can use this opportunity to outlaw that practice, for heaven's sake, let us do so.

It seems quite simple to me: we already have certificates for pest control using Larsen traps and certificates for shotguns. We do not need a completely new set of rules, ladies and gentlemen. All we need to do is to use the existing professional assessments to show that someone is capable of working a dog, or warranted to be good enough to work a dog. We could list capability on a gun certificate, which would save a lot of money and time as we already have plenty of certificates. For heaven's sake, you must make sure that you cover the professional and outlaw the cowboy.

Paul Crofts: We have five specific issues that we would like to clear up today, if possible.

Since the debate started, there has been some discussion around the bill about the use of "a single dog". We have been told that, in Scottish law, a single dog means more than one dog. We need to know that a pack of dogs may be used. For example, when we go out, we use more than one dog. Will Dr Murray's amendment 22 cover that issue?

Those who have read the written submission from the Scottish Hill Packs Association will know that, occasionally, I use foxhounds that belong to members of my association. In the process of flushing, the dogs themselves kill the fox. We need to know that someone who intends to flush the fox, which is then killed, will not be considered to have committed an offence. Could Dr Murray clarify whether her amendment 24 covers that point?

We would like someone to lodge an amendment that would allow a single dog—a lurcher—to kill a mammal if that mammal is considered to be an agricultural pest by a landowner.

As far as terriers are concerned—I may have made this point before but I will repeat it—if the fox does not bolt, we need to know that subsection (2)(b) of the proposed new section after section 1, as proposed in amendments 53 and 19, will allow us to dig down, rescue the dog and shoot the fox in the hole.

Finally, we would like to know what the phrase "under close control" really means. That phrase has been bandied about and is included in the bill, but I do not know what it means. I would like to know whether any of you know what it means. Perhaps Mr Watson could tell us.

14:30

Thomas Parker: Amendment 53 does not go as far as the National Working Terrier Federation's code; it could go much further and include welfare provisions for the terrier and its quarry. Subsections (2)(a), (b) and (d) of the proposed new section after section 1 could be replaced by the sentence "acts in accordance with the updated National Working Terrier Federation code 2001", which would more or less enshrine the code as the acceptable code of practice.

Amendment 6, which relates only to foxes, should also cover mink, rabbits and rats. We were prepared to agree with amendment 19, because it dispenses with the need for a separate licence. As we have said, setting up another licensing authority would be a bureaucratic nightmare. Someone would have to pay for it and rural budgets are pretty stretched at the moment. That is basically as much of a response as we could put together in the time that we were given. However, I am happy to answer any other specific questions almost off the cuff.

Mr Rumbles: Basically, are you happier with the approach that Rhoda Grant takes in amendment 19?

Thomas Parker: Yes, but I believe that if amendment 53 is agreed to, amendment 19 will be pre-empted.

Mr Rumbles: That is right.

We are struggling to get the bill right. When I first read amendment 53, I thought "Hallelujah! It looks good." However, after various brief discussions, I have discovered that there is a real problem with cubs underground, as Fergus Ewing pointed out. That said, would you accept amendment 53 if it were accompanied by other amendments?

Thomas Parker: If those amendments were complementary and helped practitioners to go about their business legally and humanely, we could do nothing but support them.

Mr Rumbles: I want to get the mood of all three witnesses. If amendments were lodged that complemented amendment 53, would that satisfy you?

Witnesses indicated agreement.

The Convener: Amendment 53 suggests:

"A person does not contravene section 1(1) by using a dog under control".

That wording seems to have replaced the phrase "under close control". Could you define the phrase "under control"?

Thomas Parker: Do we not need a legal definition of that phrase? In a city, a dog that is

“under control” is generally on a lead. Although I do not know the legal position, I am pretty certain that a policeman would tell the owner of a dog that was running about loose in the street that the dog was not under control. However, to all intents and purposes, if the dog is on a lead and something happens, the dog is still under control. The issue possibly raises a legal question that is outwith our remit.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I accept your point that someone could take that phrase to mean that a dog on a lead is under control. However, people such as yourselves who work with dogs in various activities will appreciate that a dog that is used for shooting purposes or racing game—for example, gun dogs that are allowed to roam freely in front of the gun—must be under control. They are not out of control.

Thomas Parker: As far as I am concerned, they are under control. However, if I am facing a judge on a bench, what I think does not count; what counts is the way that the judge interprets the law. My dogs are under control when they are out with me. However, whether anybody else thinks that they are under control is open to conjecture.

John Farquhar Munro: If a collie is with a shepherd, the dog is under the control of the shepherd.

Thomas Parker: Yes. I agree with you 100 per cent. As I said, though, we may have a wee legal problem with that one.

The Convener: I would like to explain to the witnesses that it is not my intention to put all the questions to each MSP who has lodged the amendments to which they have referred. However, the points that the witnesses are raising will be extremely useful for our debate next week and I am happy to allow MSPs who wish to join the discussion to do so.

Mike Watson (Glasgow Cathcart) (Lab): Perhaps I can assist by asking the three gentlemen questions, whereby I hope to outline what I mean by control.

You are right in saying that what was “close control” in amendment 19 and amendment 53 is now “control”. Although I understand that Mr Parker would like a legal definition, people such as Mr Parker, Mr Crofts and Mr Rose will have a fair idea of what it means to have a dog under control. I cite the example of a sheepdog being under control: there is no question of requiring it to be on a lead. The analogy with an urban dog is not appropriate. Control is when the person in command of the dog believes that he or she has control of the dog—that it is “under control”—whether it is a sheepdog or a gun dog, which is not there to chase the quarry, but to flush the

game. A hound would be under control when used to locate flushed foxes, and the same definition would apply to a terrier. The person in control of the terrier would know whether he was able to control what the dog was doing. That is what control means. I hope that the witnesses will be comfortable with that definition, as they know when they have control over their dogs.

Thomas Parker: That is acceptable to me.

Paul Crofts: The operation of foxhounds is slightly different. While they are fanning out, looking for the fox, they are under the same sort of close control as a gun dog. If I blow the horn, they will come back to me. Once they have found the scent of the fox, they will follow that scent until the fox is shot or until they lose it. That may be 200 yd in front of me or five miles in front of me. The problem is that, if the dogs run away into the far distance and get through the line of guns, where does that leave us legally?

Richard Lochhead (North-East Scotland) (SNP): Many members want the bill to allow genuine pest control to continue; that is the vibe that I get from speaking to most MSPs. The challenge that faces the committee is to find suitable amendments that will allow genuine pest control to continue. Genuine pest control relates to people who are employed for the purposes of pest control, so employment is an important factor in all this. You are right in saying that many jobs depend on the bill, such as those of the gamekeepers and people who work with the foot packs.

Licensing is part of the debate in relation to the bill, and many speakers today have said that it is costly and bureaucratic. The Executive currently issues licences free of charge for the killing of other wildlife, and I understand that that does not entail too much bureaucracy. What would be your opinion of a bureaucracy-free and cost-free licensing scheme? If a simple licensing scheme could be introduced, whereby a gamekeeper could get their employer to fill in an application for a simple licence that was free of charge—perhaps for a year, for several years or for the length of their being in that person’s employment—would you oppose that or support it?

Ronnie Rose: We are back to the definition of credibility. I was merely making the point that it would be quite simple to regulate pest control under a scheme that is already very much scrutinised. I mentioned the gun certificate because we are probably already one of the most well-governed people in Europe, as far as that is concerned. I do not see a need for a whole new licence.

Where do we stop the people who want to have a say advising the Government? That is my fear. You are going to have the National Farmers Union

of Scotland, the Scottish Crofters Union and another 12 organisations that could all legitimately say, "Well, you are doing pest control because we are giving permission for the places that you hunt or shoot in." I was just trying to think on a simpler way that would still be credible. In all the arrests that have been made for badger baiting or fox baiting, none of the people involved has had a gun certificate—they cannot have one because they are all criminal elements. That is why I mentioned the gun certificate—it depends who is doing the stamping.

Richard Lochhead: Can I just clarify whether there is any relationship between the gun certificate and using the gun for pest control?

Ronnie Rose: Aye, there is. Gamekeepers have to have certificates. We have the guns because we carry out pest control and we use the gun to shoot the fox that has already been bolted by the dog. You are now saying that we need to license the dog that chases the fox that is shot by the gun. We have already done the other end of the barrel. We have already certificated the guy who is shooting, and his ability and suitability to shoot. We do not need somebody at the other end telling us that, before we get there, we need another licence.

I am trying to get a simple way of dealing with this problem without a lot of extra expenditure. That is all.

Richard Lochhead: I appreciate that, but I would like clarification. Presumably anyone can get a licence to have a gun, but what is the link with using the gun for pest control? You have a gun certificate, which means that you are fit to hold a gun. Is there a direct link between you getting the gun certificate and you doing legitimate pest control for your employment?

Ronnie Rose: Gamekeepers have guns to be effective in pest control. That is why we have them in the first place; I cannot think of any other reason. We get a rifle—the kind of rifle depends on the species of deer that we are shooting. We have a wee rifle for roe deer and a bigger rifle for red deer. Shotgun sizes are also covered. Basically, everything is already covered, but as I said, I would like the regulations to be tightened.

I am the same as the rest of the witnesses. We want to look after the welfare of the dogs and the foxes. Gamekeepers have an organisation, which is also necessary. We have already had members breaking the law and, when that happens, we immediately boot them out. Such people are controlled by a shotgun certificate and by membership of one of our organisations. If they break the code, they are out the window anyway.

I am trying to find a simple, fast and effective way to make the situation better now that we are

all talking about it. That is all.

The Convener: I speak from experience. It has become much harder to obtain a shotgun certificate over the past few years. Indeed, to do so, I would have to prove that I am a fit and proper person to hold one and I would have to get signatures from the proper people.

Do either of the other witnesses have anything to add to that?

Paul Crofts: As an association, we are frightened about the bureaucracy and cost of the licensing system. We are already licensed by the Forestry Commission. Over the past five years, the licensing relationship between the Forestry Commission and us has swung from one side of the pendulum to the other. At one time, the commission paid us to go into the woods; it paid a subscription to our associations. Now we have to pay the commission for a licence. The cost has gone up in the past five years from a token £75 per year to £350 per year. That may not sound like a lot of money. However, faceless people with whom we have no dealings constantly shift the goalposts. They just say, "This year, the fee is going up to £X. Like it or lump it." We would be frightened that, with a licensing system or a wild mammals authority, we would be up against that sort of system. It would grind us into the ground and, to all intents and purposes, it would be a ban by the back door.

Thomas Parker: I would like to point out that the code of conduct of the National Working Terrier Federation has already addressed the point about licensing. That is why we recommend the use of a shotgun to dispatch foxes. I go even further than that. I contacted Strathclyde police to check the availability of humane killers—small guns, such as .22s—to dispatch foxes in an urban environment. Some of the cases that we are called to deal with are foxes in back gardens. We obviously cannot shoot them there. We are considering such lines all the time. We do not need another layer of licensing.

I have a shotgun certificate. I passed Mike Watson a book that showed that in 1979, I stood up at an annual general meeting of a terrier club down in England and read out a list of offenders who were to be banned from terrier clubs. Those people were conducting themselves in a way that was detrimental to good terrier work. That is how long I have been doing such work.

14:45

The National Working Terrier Federation proposed a code of conduct, because such a code was needed. Everyone says that gamekeepers, by the nature of the work, are not licensed. I deal with farmers in the central belt to whom gamekeepers

are unavailable. The farmers phone me, because they need a problem to be solved.

On Sunday, we visited a farmer who lives on a rural farm. His house had been broken into and his gun had been stolen. The police will no longer give him a certificate, so how does he control pests on his farm? He must phone someone like me to do that for him. He has no other option. Mr Rose would probably confirm that when such a farmer phones the police and says that dogs are attacking his sheep, he is told that the police do not have the manpower to deal with that matter. The farmer cannot obtain a firearms certificate, so he phones us. We go out and deal with the problem swiftly and humanely—problem solved. If licences were made available only to gamekeepers, what would that farmer do?

Back in the 1970s, we participated in a survey for Dr Hugh Kolb of the Institute of Terrestrial Ecology in Banchory—I mentioned that in oral evidence at stage 1. We provided the institute with fox carcasses for testing to find out what foxes were eating. The institute was later burnt down by people who support animal rights. We also dealt with the Scottish Agricultural Science Agency at that time. The agency passed on our phone numbers to some farmers with whom it was connected, including Sandy Ross out at Forth, who is now deceased. He was a farmer who was going about his business. He did not know how to control foxes, so he phoned for people who were expert at the job.

Richard Lochhead: I did not say that the proposal would be limited to gamekeepers.

Thomas Parker: Nevertheless, it is implied that such work will be allowed only if it is part of employment. Farmers phone the people who are available in their area, who are normally people from local fox control associations. That is how the system works in the country.

Richard Lochhead: All three speakers placed much emphasis on voluntary codes of practice. Should the bill refer to membership of recognised representative bodies instead of a licensing system?

Paul Crofts: Codes of practice are only as effective as the discipline and conscience of the people who follow them. The committee must consider whether we are the right sort of people to perform the pest control practices. If we are, the committee must give us a bill that will allow us to continue to do that. It does not matter what the committee decides about codes of practice. What people do out in the middle of the Grampian hills is different. If the committee thinks that we are the right sort of people to do the work, I ask it please to give us the right bill.

Ronnie Rose: One minor point that I forgot is

that all the work should be done with the landowner's permission. The description of the situation of farmers has reminded me that the use of a dog should be tied to permission to use it on a landowner's land. That is vital.

Dr Murray: I will say a little about my thoughts on the licensing scheme. I intentionally lodged amendment 6 fairly early to allow people to consider it and discuss whether the concepts made sense. I appreciate what people have said about problems with shotgun licences and the amount of bureaucracy that is tied to applications for such licences. A licensing scheme for the use of dogs would not require that level of bureaucracy, because people will not kill someone or hold up a bank with a pack of dogs. Issuing a licence for the use of dogs would require a different procedure from that for issuing a gun licence.

I suggest that an authority should be established to which a person's need to keep animals for pest control could be proved, not necessarily because of their employment—it could be because that person is a farmer who needs to control pests. With agreement to abide by a code of conduct—I know that such a code has been drawn up—a licence could be issued. As Richard Lochhead suggested, a licence could run for five years or longer and could be revoked if its holder failed to observe the code of conduct, rather than committed an offence under the act. I do not think that the scheme would need to be as bureaucratic as the Scottish Executive environment and rural affairs department scheme, nor would it have to be expensive. Could you comment on that?

As Mr Rose said, the legislation should cover the professional and outlaw the criminal. There should be distinct separation to legitimise the activities of those people who use dogs responsibly and those of people who do not.

I appreciate that the vast majority of people who will be using dogs will have a gun certificate. There are, however, people who have a gun certificate who do not use dogs. I have a friend who has a certificate for a gun for shooting crows. He has never kept a dog in his life and I would not like it to be said that such people can keep packs of dogs because they have a gun certificate.

Ronnie Rose: I was talking about credibility. I am also concerned that someone needs to get a specific licence for a specific job on specific land.

For example, when I was studying in Sweden and Denmark, I found that you could get guaranteed permission within 24 hours. If there is all this extra bureaucracy, I fail to see how we are going to get a licence in time. The fox could have moved on, but the lamb killing could still be going on.

All I am saying is that the bureaucracy would be another encumbrance. I have nothing against what is being said, because it would be more professional. However, in practice, I am concerned about how you would work a 24-hour system where the guy needs a certificate for his gun and then for the dog and then needs the landowner's permission for that specific case.

Dr Murray: No, it would be a general certificate for those people who use dogs in that manner. People would be able to apply for and gain the certificate for the use of dogs and then be able to use the dogs if and when they are needed. Mr Parker made the point about someone who has lost his gun licence. If the gun licence were tied in, someone who lost his gun licence would then lose his right to use his dogs. The offence would not be to do with his dogs but would be the result of some other completely separate criminal activity.

Thomas Parker: If the bill is put through properly and allows practitioners to work effectively and humanely, why do we need another authority? If the code is enshrined in law, we do not need a licensing system. It is simple—break the law and get fined or jailed.

We keep returning to the same issue. It is all available now in our code of conduct. If, after vetting, the police have decided that someone is fit to have access to firearms—whether shotguns or rifles—that person should be held as fit to control a dog under the code of conduct. That should happen without a whole load of other laws and without spending more time sitting around tables.

Dr Murray: It does not need to be a whole load of other laws. All it needs to be is an agreement between professionals such as yourselves on an acceptable standard of conduct.

Thomas Parker: We already have it.

Dr Murray: That is not actually in the bill.

If an authority was to decide who was entitled to use dogs, we would not have to include in the bill all the exemptions from legislation. One of the things that worries me is whether we would exempt all those people who need to be exempt. We might find that the bill had gone through and that someone who should have been exempted was not exempted.

Thomas Parker: That is because nobody was allowed to speak on behalf of lurchers.

Dr Murray: Do you not feel that the authority would provide a way of getting past that?

Thomas Parker: No.

Dr Murray: I have a few things to say about the other amendments. The purpose of amendment 22 is to allow the use of more than one dog. Amendment 24 concerns hill packs, where the dog

might destroy the fox in the course of its activity. The hill pack owner would not then be liable to prosecution in those circumstances.

Thomas Parker: Other than those amendments, I was having problems with the onus of proof being put on the accused. That is not acceptable. It should still be up to the prosecution to prove guilt rather than the accused to prove innocence.

The other section that I have a problem with is section 4(1), which mentions a police officer feeling that an offence is about to be committed. I am extremely wary of that, because the provision could be seriously abused.

Rhoda Grant (Highlands and Islands) (Lab): I want to make some observations and would ask the witnesses to comment on them.

Digging down was mentioned. It is not mentioned in my amendment 19, but I would say that it is a reasonable effort to prevent injury to the dog. If a dog was involved in a stand-off, it would be reasonable for someone to dig down and rescue it. That is in keeping with the amendment.

The question of what control is was raised. It was said that control may be viewed as keeping a dog on a lead. That would be contrary to the amendment, because a dog could not be put on a lead underground—the lead could get snagged and the dog could get stuck. Any judge with the least bit of common sense would see that that would be totally impossible. I do not think that that would be an issue.

Firearms certificates and licences are also covered by the amendment. My understanding is that if someone is applying for firearms licences they must declare the purpose for which they would use the gun. In most cases, that is pest control. Indeed, they would need to specify the pest that they hope to control with the gun. That would indicate what gun they would obtain the licence for. That provides a lot of protection.

Often, when people are out working terriers underground—I think that we discussed this last week—the person who owns the terrier may not be the person who owns the shotgun licence. The terrier could be a family pet that is put underground, yet the person in charge, in the terms of the amendment, is the person with the shotgun licence; it would be for them to ensure that everything was being done correctly. I would like your comments on those observations.

Ronnie Rose: To take the last point first, that is exactly what we do in the case of shooting deer. A person is responsible for someone else whom they take out shooting. There have been several instances—I am sure that the other witnesses could cite some—when guys who do not have a

shotgun certificate are working dogs, but the guy with the shotgun certificate is there, as is the case with deerstalking. It is absolutely right to say that the guy with the gun has to be there, supervising the guy with the dog if he does not have a certificate. It is a matter of ensuring that the code of conduct is under the control of the guy with the shotgun certificate, exactly as is the case with deerstalking.

Mr Jamie McGrigor (Highlands and Islands) (Con): Paul Crofts mentioned the need for an amendment to cover the situation of a single dog chasing pests. Could he elaborate on that?

Paul Crofts: There are two sides to that, and I will give examples. First, a member of the Scottish Hill Packs Association, John Waters, who is in Caithness, uses a small terrier pack, which flushes the foxes out of the bushes to waiting guns. If those guns miss the fox or only wound the fox, he or one of his men then slips a single lurcher to catch the wounded or escaping fox.

Secondly, there are some people—individuals who are not in our association—who will go out with a lurcher dog to catch a rabbit or a hare for the pot. They have been ignored during the debate on the bill, which has been put forward as an anti-fox hunting bill. Such people have not had their say, and I am speaking for them today, in as much as they are just working men. Also, the lurcher is the traditional dog of the Scottish travelling people. They might slip one dog to catch a hare or rabbit for the pot. We would like somebody to lodge an amendment to exclude them from the bill's provisions.

The Convener: I think that there is a provision within amendment 53 whereby a person does not contravene section 1(1) if he is providing food for consumption by a living creature. That is possibly designed to address the issue that you raise.

I understand that, in towns, villages and built-up areas, people are not happy using guns or rifles to shoot anything. I have received a lot of representation to the effect that the use of lurchers in those circumstances to hunt down a fox that is being verminous in a farm surrounding is quite commonplace. I do not think that that is addressed in any amendments that I have seen.

15:00

Paul Crofts: You are exactly right. The problem with amendment 53 is that it says that once a wild mammal is found or emerges from cover it must be shot. However, the people we are talking about are not taking a gun with them. They are not flushing the hare in order to shoot it; they are doing so in order to let the dog catch it. The amendment does not cover that contingency and we want someone to lodge an amendment that

does.

The Convener: Is that part of the clarification process that you were talking about earlier?

Paul Crofts: Yes.

Mr McGrigor: What would be the best dog to find a wounded fox that had gone into thick cover?

Paul Crofts: One that could follow the scent, basically. However, in Caithness, once the fox has found cover, there is every chance that it will escape, unless it has been badly wounded. The fox must be caught while it is in the open, so you need a dog that is faster than the fox.

Mr McGrigor: In thick cover, would a foxhound have the best chance of finding the fox?

Paul Crofts: Yes. The alternative, at the other end of the scale, would be to use a small terrier that could get under the bushes. The foxhound has been bred over hundreds of generations to follow the scent, but, in a more enclosed area, a little terrier can do the same job and lead you to the wounded fox just as well.

Mr McGrigor: When a fox has been wounded by a gun after being flushed from a hill den, you would like the opportunity to slip a lurcher or another dog that could catch that fox?

Paul Crofts: Yes. Many gamekeepers take a lurcher to the dens as a back-up. If the fox is wounded, the dog is slipped immediately and, being faster than the fox, quickly catches and kills it.

Mr McGrigor: If you could not do that, what would happen to the fox?

Paul Crofts: If it escapes after being peppered, it may die of gangrene or other after-effects of being shot, or it may recover.

Fergus Ewing: I have found this session to be extremely useful in identifying practical problems raised by the amendments, which were all lodged in good faith.

Paul Crofts, you mentioned five points that I am fairly well aware of. The nub of the issue is that neither Mike Watson's nor Rhoda Grant's amendments have allowed for the dispatch of the fox or the orphan cubs by a dog in certain circumstances. Mr Rose, Mr Parker and you are arguing that, in certain circumstances, dispatch of the fox by the dog is necessary. You have said that, in some cases, it is necessary to do that to avoid greater cruelty through death by starvation over several weeks, in the case of orphaned cubs, or death by gangrene, in the case of an injured fox. I imagine that that must be a particularly unpleasant, nasty and lingering death. In the amendments to the bill, we must spell out the circumstances in which it is necessary to use a

dog to dispatch the fox. I would like to be clear about the circumstances in which you feel that that is necessary. You have said that, in the course of flushing, a dog will in some cases inadvertently go for a fox and that that must be recognised in the amendments.

Paul Crofts: That is correct.

Fergus Ewing: Could you elaborate on how that might arise in practice?

Paul Crofts: The foxhound has been bred for generations to hunt and catch. What we are doing with gun packs is putting a barrier between the hunting and the catching. If the fox crosses that barrier, the foxhounds do not kill it inadvertently, but because that is what they are trained to do. It is their very essence. We need to know that, if they do that—when the intention is that the fox should be shot—we will not be committing an offence.

Fergus Ewing: So your intention is to flush out the fox to be shot, but in some cases that does not happen.

Paul Crofts: Yes.

Fergus Ewing: You have pointed out that lurchers are used by travelling people to provide them with food. Are they used in other ways as well?

Paul Crofts: The lurcher is traditionally the dog of the men of heavy industries—the miners and shipyard workers. They have always kept what they call long dogs: whippets, greyhounds and lurchers. Obviously, if their dog caught a rabbit or a hare they would not throw it away; they would take it home and eat it.

Fergus Ewing: I do not mean to restrict my questions to one witness. If other witnesses wish to chip in, I would be interested to hear from them.

Ronnie Rose: If you are in a built-up area and are unable to use a firearm, those dogs are the answer. You can go in with a spotlight near somebody's garden and make a quick and effective kill. I have seen foxes killed instantly in a backyard, using spotlight identification, when they have been doing damage to lambs. It is a part of pest control, but you must have the home owner's permission. That is the difficulty.

Fergus Ewing: I understand that. However, when Paul Crofts introduced the topic of lurchers he mentioned a single lurcher. Would there not be cases where it would be necessary to use more than one lurcher for pest control?

Paul Crofts: I may be wrong, but my understanding of the bill is that the Parliament is determined to ban competitive hare coursing, which is the use of two dogs to chase a hare. What those people are doing—the pot hunting, the

pest control and the carrying out of family tradition—is in many cases not competitive. That is the distinction that we are trying to make. Those dogs are not being used in competition.

Fergus Ewing: We mentioned orphaned fox cubs. Your point four was the case where the fox does not bolt. Could you elaborate on that, and why you would need a dog to dispatch a fox in those circumstances? What happens in practice?

Ronnie Rose: You have a blepper on your terrier and with your blepper above ground you follow the dog's blepper under the ground. You are able to find the exact spot where the two of them are and you dig down and dispatch the fox immediately. It is the same as ferreting—there is a blepper on the terrier's neck. A blepper is vital.

Thomas Parker: It is back to the code of conduct. You would not use a locator when you have a terrier below ground.

Ronnie Rose: You must have a blepper.

Thomas Parker: Something that nobody has mentioned is mink, which will be coming to the fore in the near future. Another thing that will come to the fore, that people have not mentioned, is the right to roam. There will be far more people wandering the countryside. In certain cases, a lurcher will be handier than a firearm. One thing you cannot say about a lurcher is, "It went off in my hand." For safety reasons, lurchers should be included.

The Convener: That is very nicely put, Mr Parker, thank you.

Richard Lochhead: All three organisations have codes of conduct that are conditions of membership. If a member does not follow the code of conduct do you throw them out?

Ronnie Rose: That has already happened.

Mr McGrigor: I have a question on the business of having to have a shotgun certificate. I know that someone can lose their shotgun certificate for speeding or drink driving. With the best will in the world, that can happen to anybody. If convicted, you would not be able to continue with your job, would you?

Ronnie Rose: If a person were not able to drive or use firearms they would get the sack. The tightening up of firearms certificate legislation means that they even ask for your medical records and about your relationship with your wife. It is a tremendous process to undergo to get a certificate. However, we are well aware that a person who gets caught drunk driving has had it. That is the reason for some of the soberest beaters that I have ever met in my life. No longer does the whisky come out at the end of the day—nobody would take it.

Thomas Parker: The police have already intimated that if a person has been prosecuted for drunk driving and is not fit enough to drive a car without taking drink, the police will certainly not hand them a shotgun or firearms certificate.

Mr Rumbles: I would like to dissociate myself and other members of the committee from the comments that have just been made. Drink driving is a serious offence. I want to put on record that Jamie McGrigor's comment that it could "happen to anybody" does not reflect the views of the rest of the committee.

Mr McGrigor: I actually mentioned speeding as well.

The Convener: We will leave it at that.

Mr Murray Tosh (South of Scotland) (Con): Many of the things that have come up are new to me. I inferred from the answer to Fergus Ewing's question that two lurchers would be used only in a competitive situation. I understood that if the context were not that of a competition, there would not need to be more than one lurcher. Are there scenarios in which you would use more than one dog?

Ronnie Rose: A person would own more than one dog.

Mr Tosh: Yes, but would you slip a single dog?

Ronnie Rose: Yes. In all the work that I have been involved in there would always be one dog.

Thomas Parker: That is what we would use. We would use only one terrier at a time as well.

Ronnie Rose: We need a team of terriers because they are all different ages and are learning from each other, but we slip only one.

The Convener: I hope that that clarifies the situation.

Mr McGrigor: You mentioned mink. I believe that Iceland has had occasion to seek the eradication of mink and has been successful. However, they discovered that, at the end of the day, they had to use dogs, if not to kill the mink, at least to locate them. Do you know anything about that and can you tell us more?

Thomas Parker: They could do what Scotland does, which is to pay an awful lot of money not to catch mink. It seems that, at the moment, that is what we are doing. The reason for that is that we are not allowed to use the one tool that is guaranteed to do the job, which is a dog. It is no accident that dogs have evolved over the years to do all those jobs; it is what they have been bred for. It is unfortunate that dogs do not understand that, sometimes, Parliaments do not like them to do things.

It is up to the responsible keepers, owners and workers of those dogs to ensure that they work within a recognised code of practice—the best and most humane way of working, both to the quarry and to the terriers. People do not realise that terriers, lurchers and foxhounds are extremely valuable animals. I do not mean that in monetary terms; they are extremely valuable to the people who use them. It is in our best interests to ensure that the dogs' welfare is paramount. It is not easy to rear and train terriers, lurchers or hounds or to get them to work like clockwork—and that is what we have to do nowadays.

15:15

Ronnie Rose: When we are setting Larsen traps for mink—as you know the Borders has always had a major mink problem—the best position that we find for that trap is usually where our wee terrier says, "Set it here, pal". We need the traps to be in a big reedbed to get the right angle to where the mink come in from the river to do the damage. Terriers are used for tracking.

Mr McGrigor: How could you do that if you did not use dogs?

Ronnie Rose: For mink?

Mr McGrigor: Yes.

Ronnie Rose: We know that they have certain weaknesses in their behaviour pattern. They will use a cattle grid draining system; they will use the dry system in open farmyards for toilets. They will use cross-drain systems that have a smell as they come from a farm. There are alternatives, but when we get to a reedbed, we have a major problem. It all looks pretty good to human beings, but a wee Border terrier will track the scent and sometimes go under a stone.

We could spend all day in the reedbed, but the terrier will find the mink within ten minutes because it tracks it from the river to the position that it is in. That is extremely good, because we know whether we have an otter or a mink. That is important because we have so many otters.

The Convener: Do you want to add to that, Mr Parker, because I am about to draw this part of the meeting to an end? I see that you have just been passed a note.

Thomas Parker: The note that I have is from Iceland. It is from Pall Hersteinsson, who is the chief scientist in charge of mink eradication for the Icelandic Government and who works at the University of Iceland. The following has been underlined in the note:

"Our experience from Iceland is that it is impossible to trap every mink by the use of live traps. There will always be individuals which will not enter traps, and this is especially true for females. And we must bear in mind that

females are the limiting factor in reproductive output.

The use of trained dogs and death traps (e.g. Conibear traps) seems essential to me. The dogs are particularly useful in locating the mink and their use could be arranged in such a way that the dogs themselves only kill a minority of the mink. However, the trappers must have shotguns and be allowed to use them. Furthermore, in cases where the trappers believe that they have out-trapped all mink in a particular area it will be necessary to use trained dogs to verify this.

Trappers should work in pairs, each pair having 2-4 dogs. A trained dog will be able to 'tell' its handler whether a mink is present in or absent from a den once the den has been located by the dog".

That is also true for foxes. He continues:

"I feel that it is essential that dogs, shotguns and death-traps be used if there is to be any hope of successfully eradicating the mink".

I do not know whether the committee needs a copy of the letter. It is from the chief scientist in Iceland on the mink eradication scheme.

Fergus Ewing: The sheet that you read out, which I gather relates to the method of control of mink, refers to each person having two or more dogs. Does that include terriers? In response to Mr Tosh, you seemed to state that it is enough to use one terrier and one lurcher. We must be absolutely clear. Are you saying that a different system applies for mink?

Thomas Parker: When I spoke about using one terrier, I meant using one terrier below ground at a fox. Using terriers above ground is different. For example, John Waters uses a pack of terriers because he works in heavy whin bushes. It is horses for courses, but below ground only one terrier is used at a time.

Fergus Ewing: It is likely that an amendment saying that it is okay to use a single dog underground will be lodged. If there is such an amendment, would you be able to operate within that stricture or are there cases in which another dog is needed for a different part of the hole?

Thomas Parker: That might happen in the event of a terrier becoming stuck fast—possibly because of a rock or sand fall. In that situation, a locator is put on another terrier, which in a lot of cases will dig through and release the other terrier. That might happen where there is a large tree or rock over the hole. It would be possible to dig out the terrier, but it is easier and more practical to put in another terrier to dig through and then to call them both out. So another terrier might be used in the event of a rescue. That was a good question and I hope that I have answered it.

Ronnie Rose: That is absolutely right. We have talked only about using a dog for fox cubs, but a rescue needs two dogs.

The Convener: Members have finished their questions and comments. I thank the witnesses for coming. I am aware that they and their advisers have travelled a considerable distance. I again thank the organisations that took the trouble to give written evidence at such short notice. The session has been useful. The witnesses may not have had all their questions answered, but members have taken their evidence on board, which gives us a way forward before we discuss amendments on sections 2 and 3 of the bill next Tuesday. I remind members on that score that we would like amendments to be lodged by Thursday, if possible, although it is legitimate to lodge them by 2 o'clock on Friday. I entreat committee members—and other members of the Parliament—to get them in as early as possible.

Thomas Parker: I have one more point. When a fox gives a single terrier the runaround in a large rock cairn it might be necessary to introduce another terrier. That does not happen often, but on the odd occasion.

The Convener: Thank you for that point of clarification.

Ronnie Rose: I thank the committee on behalf of the witnesses. Witnesses are only as good as the questions that are asked and I am impressed because members have asked a lot of good questions.

The Convener: I wish that all witnesses were as impressed. I suggest that we have a five-minute break.

15:21

Meeting adjourned.

15:31

On resuming—

Budget Process 2002-03

The Convener: As we agreed not to take item 4 in private, we now move to consideration of the draft report on the budget process 2002-03. We are fortunate in having had two reporters—Elaine Murray and Stewart Stevenson—to develop the draft report in conjunction with the clerks. I offer them the chance to speak to the draft paper if they would like to do so.

Stewart Stevenson: First, I thank Mark Brough for his very considerable assistance to our authorship. He did much of the work, but it is just a fact of life that his name does not appear at the bottom as a reporter.

I would like to mention a couple of things that are in the report. Paragraph 3 refers to capital charges, which are important for this committee and for others. The Executive's reporting does not make it clear where capital charges are coming from. To be fair to the Executive, 2002-03 is a transition year in the way that the accounts are being prepared, so it is not unreasonable that such things might not be present.

Paragraph 4 deals with the departmental expenditure limit and annually managed expenditure. We are trying to flush out the fact that it is not necessarily clear what part of the budget the Minister for Environment and Rural Development actually has discretion over. We should consider that point.

The last point that I want to highlight is mentioned in paragraph 8. There is general concern about the transition to the new way of working budgets in the Executive. If in future years there were underspends of the size that we have in the current year, there is little question but that budgets would be cut accordingly, and quite properly too. I am sure that all members want to ensure that we spend the money that we are given for rural development. However, we should recognise the fact that there are transitional reasons for underspends in the current year.

If members have any questions that I can answer, I am certainly happy to answer them. I am sure that Elaine Murray will be able to answer those questions that I cannot answer.

The Convener: Would you care to add to that, Elaine?

Dr Murray: I do not have much to add other than that I, too, thank Mark Brough for producing the report. He managed to produce it after an hour of Stewart Stevenson and me waffling on at him, so he did very well.

Stewart Stevenson has highlighted the main issues. Last year, we referred to the difficulty in assessing the overall impact on rural development because substantial parts of the spend are not within the control of the rural development budget, but may come under health, education or transport. We would still like to know how the overall strategy and spending are impacting on rural development. We feel that it is worth while flagging that up again.

At some point we may need to see how the foot-and-mouth epidemic has skewed the budget. That would be difficult to pick up in this year's budget figures, but it will be important to track it in the future.

The Convener: I should point out that we must report to the Finance Committee on this matter by tomorrow. Any changes that we need to make to our report must be suggested now.

Mr Rumbles: I propose no change to the substance of the report, but I would like to reinforce the points that Elaine Murray made. In my view, the most important bullet point in the conclusions is the last of the five. In presentational terms, it is unfortunate that that point appears on the last page of the report, which means that it might not be noticed immediately by someone reading the report. I refer to the point that Elaine Murray has just made and which we made last year too. The Minister for Environment and Rural Development recognises that the Executive needs to develop robust methods for measuring the impact of Executive spending in rural Scotland. That is the most important point that we make in the report. Is there any way of ensuring that that point is not lost on its own on the last page of the report?

The Convener: I may or may not agree with what Mike Rumbles says, but the report will form part of the Finance Committee's report and the pagination may change somewhat. We do not have any control over that. Is the member suggesting that we make the point to which he referred our No 1 conclusion?

Mr Rumbles: I am not suggesting that. However, if there is any way of ensuring that the conclusions are held together, that would be helpful.

The Convener: Do members have any ideas for how that might be done? We could write to the Minister for Environment and Rural Development to flag up the point.

Mr Rumbles: The minister well understands the issue. The point that I am making is purely presentational. I am sure that it is not beyond the wit of man or woman to pull together the report's conclusions on the same page.

The Convener: So you are asking that in our report to the Finance Committee our conclusions be drawn together on the same page, if possible.

Mr Rumbles: Yes, please.

The Convener: That is noted.

Rhoda Grant: I understand that the Finance Committee asks us to report on gender issues in the budget. I know that Elaine Smith asked about that and that it is impossible to report on those issues in the rural development budget. In our report we should indicate that we asked about gender issues but were unable to consider them because the relevant information was not available.

The Convener: Are members happy that that point should be incorporated into our report?

Members indicated agreement.

The Convener: I regret that I was ill for the meeting at which Elaine Smith asked her question and that I have not perused the *Official Report* of that meeting as thoroughly as I should have.

I have a question for the two reporters. I know that there is a proposed cut in the rural development budget of £30-odd million over the next three years. Could the minister's assurance that an underspend of similar magnitude to the one that we had last year is unlikely to recur be due in any way to the fact that a cut to the budget was already planned? Was that issue raised or have I got the wrong end of the financial stick?

Rhoda Grant: I asked the Minister for Environment and Rural Development why the budget was decreasing. He replied that it took into consideration forthcoming European programmes, which depended on uptake and applications for funding. The Executive foresaw that that money might not be applied for in the same quantities as it had been previously. The minister said that the budget figure was a guesstimate at best. The actual figure could be higher or lower than that, depending on uptake.

The Convener: That is very useful.

Stewart Stevenson: That highlights the point that was made about the departmental expenditure limit and annually managed expenditure. Annually managed expenditure is demand driven. As demand arises within the rural development portfolio, money will be drawn in from Europe and elsewhere. That is almost not part of the budget that we have to consider. The budget that we must consider is the departmental expenditure limit. However, it is entirely proper that annually managed expenditure should be shown as it is spent on behalf of rural development.

The Convener: As no other member wishes to comment on the report and everyone is happy, I,

too, congratulate Mark Brough on his work. One or two small changes have been suggested, but the report will go forward to the Finance Committee tomorrow to be part of its report.

Do members agree that I can sign off the report as amended? I assure the committee that my knowledge of financial affairs and budgets will not interfere with the report.

Members indicated agreement.

Mr Rumbles: You should remember that the committee is not in private session.

The Convener: Thank you, Mr Rumbles—I am aware of that.

John Farquhar Munro: At a previous meeting of the Rural Development Committee, I was appointed as a reporter on sea cage fish farming. Nothing much has happened since then.

I understand that it has been suggested that a report to the committee is appropriate. What kind of report would the committee like? I understand that other committees are doing similar work and that the Transport and the Environment Committee—of which I was a member—has suggested that the Parliament should appoint an officer with a scientific background to collate and investigate activities in fish farms. I do not know whether an appointment has been made, but it might be appropriate if we ask when the appointment will be made so that we can travel along the same road. It might not be appropriate if the appointed officer takes a different tack or view to mine.

Rhoda, are you in the same position with the Transport and the Environment Committee?

Rhoda Grant: No.

The Convener: I thank John Farquhar Munro for bringing up the issue, but we are constricted by procedure. The subject is not on the agenda and we should not talk about it. It is on next week's agenda, with a question mark. John may want to draw up a short written report for next week's meeting.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): A short report by John Farquhar Munro that outlines what he has said today and what he sees as the way forward would be useful. At this stage, I would not want anything else.

The Convener: I agree. We could briefly consider it next week if we survive that long.

Meeting closed at 15:42.

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