

RURAL DEVELOPMENT COMMITTEE

Tuesday 11 December 2001
(*Afternoon*)

Session 1

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RURAL DEVELOPMENT COMMITTEE

29th 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)
*Richard Lochhead (North-East Scotland) (SNP)
*Mr Jamie McGrigor (Highlands and Islands) (Con)
*Mr Alasdair Morrison (Western Isles) (Lab)
*John Farquhar Munro (Ross, Skye and Inverness West) (LD)
*Irene Oldfather (Cunninghame South) (Lab)
*Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)
Elaine Smith (Coatbridge and Chryston) (Lab)
*Stewart Stevenson (Banff and Buchan) (SNP)

*attended

WITNESSES

Mary Bradley (Scottish Executive Environment and Rural Affairs Department)
David Dickson (Scottish Executive Environment and Rural Affairs Department)
Leslie Gardner (Scottish Executive Environment and Rural Affairs Department)

CLERK TO THE COMMITTEE

Richard Davies

SENIOR ASSISTANT CLERK

Mark Brough

ASSISTANT CLERK

Jake Thomas

LOCATION

Committee Room 3

Scottish Parliament

Rural Development Committee

Tuesday 11 December 2001

(Afternoon)

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

The Convener (Alex Fergusson): Good afternoon, ladies and gentlemen and welcome to the Rural Development Committee. I have been at a complete loss over the past few days because I have not had to deal with groupings of amendments or marshalled lists—it is a pleasure to have a meeting at which we do not have to discuss amendments.

I remind members and members of the public to turn off their mobile phones—there is always someone who leaves their phone switched on.

I have received apologies from Elaine Smith. Mr Ewing, are your colleagues joining us later?

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I believe so.

Sea Cage Fish Farming

The Convener: Agenda item 1 is sea cage fish farming. We have received a paper from John Farquhar Munro.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I hope that everyone has a copy of the paper. I have been carrying the paper about in my hip pocket for the past two weeks, but because of other committee interests we were not able to put it on the agenda. I note that we have a reasonable agenda today, and I welcome the opportunity to present my paper to the committee.

Members will know that I have been appointed as reporter to monitor the progress that is being made by the Transport and the Environment Committee. As it says in paragraph 2 of the paper, the remit of the Transport and the Environment Committee's inquiry is to:

“monitor and review on an ongoing basis the work of the Scottish Executive and other relevant bodies in relation to aquaculture, by scrutinising the review of the current regulatory framework and reviewing the development of a strategy for aquaculture”.

A copy of the detailed remit is attached to the paper at annexe A.

I have attended some of the Transport and the Environment Committee's evidence sessions and I will attend another tomorrow. I can report only on the discussions that the committee has had so far. The Transport and the Environment Committee appointed Professor Paul Reid of Napier University as a committee adviser to the inquiry.

The Transport and the Environment Committee suggested that a research co-ordinator be appointed. That process is currently under way. The committee asked the Executive to establish such a post, but I do not know whether that has been taken any further forward. Annexe B contains a letter from the then convener of the Transport and the Environment Committee, Andy Kerr, to the then Deputy Minister for Environment and Rural Development, Rhona Brankin, suggesting that there was an agreement that a research co-ordinator be appointed. The Executive also offered some funding for that post.

Annexe C provides a list of the groups and organisations that were asked to give evidence to the Transport and the Environment Committee. There will be representations tomorrow from the Minister for Environment and Rural Development and others. That is the report; if there are any questions, I will attempt to respond to them.

The Convener: Thank you, John. Do members have any questions?

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): It says in the paper that the

Transport and the Environment Committee

"decided to seek the appointment of a research coordinator".

According to the remit for the inquiry, the task of the Transport and the Environment Committee is to

"monitor and review on an ongoing basis the work of the Scottish Executive and other relevant bodies".

It struck me as odd that the Transport and the Environment Committee wanted the research co-ordinator to be funded by the Scottish Executive. How appropriate would it be for the research co-ordinator for an inquiry that is being led by one of the Parliament's committees to be funded by the Scottish Executive? For the sake of complete impartiality, I do not think that that is a wise approach. I see that Rhona Brankin helpfully suggested that the committee and the Executive could go halves.

The Convener: I can see where you are coming from, but I am not sure that that is for us to answer. If a procedural matter is involved, that is for another committee to resolve. It is not up to us to determine who funds or even appoints an adviser to the Transport and the Environment Committee.

Mr Rumbles: I am not saying that it is up to this committee to decide who is appointed as an adviser. As I understand it, we have a reporter because we are involved as well—it is not just the Transport and the Environment Committee. If you cast your mind back to when we first considered the issue, we decided that we should work in tandem with the Transport and the Environment Committee. That committee met before we did, so it decided to do its own thing and we decided to send a reporter. We cannot abdicate our responsibility. All that I am saying is that we should flag this up.

The Convener: What are you suggesting should be done?

Mr Rumbles: I would like to hear other committee members' views.

John Farquhar Munro: The Transport and the Environment Committee has suggested to the Executive that it establish such a post. There has not been great debate on who should fund the post and perhaps we should seek clarification on that. As Mr Rumbles pointed out, Rhona Brankin offered some financial support for establishing the post. We should perhaps seek clarification on the legality of that arrangement.

Mr Rumbles: It is not the legality that I am questioning, but the appropriateness.

Mr Alasdair Morrison (Western Isles) (Lab): I welcome any injection of money, by the Executive

or any other body. However, am I right in thinking that the scope of any inquiry would be determined by the committee that was conducting the inquiry and that, even if, say, 50 per cent of the funding came from another body, the person or persons involved in the inquiry would take their instruction, remit and scope from the relevant committee? We should not split hairs. If people with the relevant expertise can be identified, let them get on with the work and be remunerated by whomever.

Stewart Stevenson (Banff and Buchan) (SNP): I do not have any particular concerns about where the money comes from; my concern is simply that we get the right person in place to do the job and that we agree what job needs to be done.

I get the impression from Mike Rumbles that he feels that we should be involved in the appointment of this person. I take it that he will therefore support Alex Neil's Public Appointments (Parliamentary Approval) (Scotland) Bill, which provides for precisely such a process. However, I had not envisaged the bill applying to appointments at quite this level.

The Convener: The second paragraph of Rhona Brankin's letter to the Transport and the Environment Committee states:

"I understand that you agreed in discussion that the term 'research co-ordinator' was something of a misnomer and that what is now envisaged is the letting of a contract to an independent person".

If there are questions about the scientific adviser's independence, however the post is funded, those concerns could be raised at committee level. However, if the intention is to fund an independent person under a contract, I am not sure that there is a big question mark against the appointment.

Mr Rumbles: I am not suggesting, as Stewart Stevenson implied, that the committee should be involved in the appointment process—the member has got the wrong end of the stick. I am just flagging up the point that if the purpose of the appointment is for the person concerned—whether they are called a research co-ordinator or something else—to scrutinise the Scottish Executive, it seems inappropriate that funding for the post should come from the Scottish Executive.

Rhoda Grant (Highlands and Islands) (Lab): My concern is not about the funding of the post, although I can see what Mike Rumbles is driving at. He is asking whom the holder of the post will be answerable to. I have no problem with the Executive's funding the post, as long as the person who is appointed answers to the Transport and the Environment Committee and knows that their management line comes from that committee and that their responsibility is to that committee. We should not get too hung up on the issue of

funding. We need only ask what the person's remit is and whom they answer to. That would solve the problem.

The Convener: I gather that the Transport and the Environment Committee has not yet resolved this matter. We could ask our reporter to make the point at tomorrow's meeting of the Transport and the Environment Committee that, although we have no difficulty with the match-funding arrangement, we hope that the contract will be put out by the committee and that whoever is appointed will be answerable to the committee in the first instance. Are members content with that?

Members indicated agreement.

The Convener: Fergus Ewing has a different point.

Fergus Ewing: I, along with my colleagues in the SNP, had hoped that there would be a full, independent inquiry into sea cage fish farming, but that was ruled out by Executive ministers.

I note that annexe C of the progress report lists the witnesses from whom the Transport and the Environment Committee is taking oral evidence. The Transport and the Environment Committee may already have considered this, but we could suggest that it take evidence from the Norwegian Government. I understand that, at a recent seminar that was held in Scotland, evidence was given about the way in which the industry is regulated in Norway and the success that it has had, to the extent that it is now a £1,000 million industry. In Norway, the environment and industry work hand in hand. We should learn the lessons of success. Among the list of witnesses who have given evidence to the Transport and the Environment Committee, I cannot see anyone from the Norwegian department of aquaculture, processing and trade who could enlighten us about the situation in Norway.

Mr Jamie McGrigor (Highlands and Islands) (Con): I support what Fergus Ewing has just said. We should take more evidence from the Norwegians. If an industry is profitable rather than hanging on by its finger tips, conservation tends to fall into place.

The Convener: I do not know whether Richard Lochhead wants to speak or whether his light is on by accident, but I am happy to give him the opportunity to speak.

Richard Lochhead (North-East Scotland) (SNP): I support the suggestion that my colleague Fergus Ewing made. I attended the aquaculture conference that took place last week at the Holyrood Hotel, not far from here. At that conference, a representative of the Norwegian Government gave a fascinating presentation on Norway's aquaculture industry. The presentation

showed that sea cage fish farming is an extremely professional industry. As Fergus Ewing indicated, the industry's exports are worth £1 billion per year to the Norwegian economy. The sector interests in Norway seem to have a good relationship. It would be good if the Parliament could take advantage of Norwegian input.

The Convener: It would not be this committee that would call for evidence, but the Transport and the Environment Committee. Our reporter could put that suggestion to the Transport and the Environment Committee tomorrow.

John Farquhar Munro: I would not mind doing that, but I think that an anomaly might develop. Sea cage fish farming around the Scottish coast is mainly Norwegian-owned. If Norwegian methods and practices are so beneficial, financially and environmentally, I wonder why they are not applied to the Norwegian-owned sea cage fish farms in Scotland.

14:15

Mr Morrison: Stolt Sea Farm Ltd, which is Norwegian-owned, runs a successful £10 million factory on the island of Scalpay. We do not have to import Norwegian working methods, as methods are being developed in Scotland that build on the Scottish industry's best practice and apply Norwegian principles.

The Convener: I am sorry, but are you saying that it would be inappropriate to suggest to the Transport and the Environment Committee that lessons might be learned from examining the Norwegian model?

Mr Morrison: We should always try to learn from one other, but—this is a delicate point—I wonder how willing the Norwegians would be to surrender some of their best intelligence about sea cage fish farming. My point is that Norwegian experience and expertise is being used well in the Scottish industry. I suggest that the Transport and the Environment Committee could draw on that experience initially before acting on Fergus Ewing's suggestion to go directly to Norway.

Richard Lochhead: Regarding Alasdair Morrison's point, in terms of the industry's strategy we should consider regulation, which involves a relationship between the industry and Government. The Norwegian success might partly be due to the relationship between the sea cage fish farming industry and the Norwegian Government. Perhaps lessons could be learned from that. Regulation cannot be divorced from the industry's strategy. That is why it might be useful to take advice and learn from other countries such as Norway.

Fergus Ewing: Yes. I want to clarify my suggestion for Alasdair Morrison. I did not

suggest—though it now seems a pleasant idea—that we visit Norway. The furthest that I have been with this committee is Dumfries. That was a jolly good experience, but it would be even better to go to Norway.

As Richard Lochhead pointed out, I did not suggest that we take evidence from the Norwegian industry. I accept that Norwegian interests own much of the Scottish industry anyway, so the Scottish industry gets the benefit of cross-fertilisation. However, we do not have a clear understanding of the regulatory framework in which the sea cage fish farming industry operates in different countries, but we know that there are differences.

The Scottish industry says that the Scottish Environment Protection Agency rules, particularly for discharge consents for the use of applications such as Slice, are much more onerous and take much longer to pursue than in competitor countries. It has been suggested to me that, in commercial terms, the cost difference could be as much as 10 per cent. It is vital that we find out how other countries are apparently able to achieve success when our industry faces so many challenges and problems. The only way in which we can do that is by finding out from the Norwegian Government what the regulatory framework is for Norway's sea cage fish farming industry.

Mr Rumbles: We might be drifting off the point. As the convener pointed out, we will not be taking the evidence; it will be the Transport and the Environment Committee. We ought to direct our comments to that committee via our reporter.

The Convener: Yes. I was about to make that point.

Mr Morrison: I have another delicate point. We would have to ensure that we compared like with like. Much of the regulatory framework that our sea cage fish farming industry must work within is determined in another place—which is not Westminster, but Brussels. The Norwegian industry is not subject to the same regulatory framework for the environment. As Mike Rumbles said, this matter is ultimately for the Transport and the Environment Committee. However, if there is to be an analysis that compares the Scottish context with the Norwegian, the European regulations dimension must be factored into that.

The Convener: Perhaps I can draw together our discussion by suggesting that, when John Farquhar Munro attends tomorrow's meeting of the Transport and the Environment Committee as our reporter, he draws attention to the matter that has caused us concern. He should point out that there are lessons to be learned—albeit within different legislative frameworks—that might have a

bearing on the Scottish industry. He could simply ask that the Transport and the Environment Committee consider those lessons in the course of its evidence taking. Does that meet with members' approval?

Members indicated agreement.

The Convener: Are you happy with that, John?

John Farquhar Munro: Yes.

The Convener: Splendid. I thank John Munro for his work so far and ask the committee to agree that he continue as our reporter to monitor the Transport and the Environment Committee's work. Perhaps we could ask John not to have too good a new year, so that he can report back in January.

Mr McGrigor: On the subject of aquaculture, has anything happened about petition PE272?

The Convener: You can raise that point when we discuss aquaculture in a minute's time. Are members agreed that John Farquhar Munro should continue his good work as reporter?

Members indicated agreement.

Aquaculture Questionnaire

The Convener: Along with their papers, members will have received a copy of a letter, which we received a wee while ago, from the then Deputy Minister for Environment and Rural Development, Rhona Brankin. The letter invites us to answer a questionnaire on the subject of an aquaculture strategy. Members will also have received my private paper, which gives a little bit of the background.

I am slightly concerned that answering a questionnaire is not the appropriate way to go about things. On 9 November, the Transport and the Environment Committee felt the same way and decided not to respond to the questionnaire at that point. It is always open to individual members to make their own comments to Executive questionnaires, but I am not convinced in my own mind that the committee's role is to make suggestions in that way. I would be much happier if the Executive asked us for our comments on what it has done so far and what it is thinking of doing in the future. I would be interested in what members think of that approach.

What do you think, Mike Rum—sorry, Stewart Stevenson.

Stewart Stevenson: That was worrying, convener.

Mr Rumbles: I agree.

Stewart Stevenson: It was worrying for both of us.

I well understand the convener's point, but the interests of the industry must be paramount. The industry's interests must come before the niceties of procedure and even before party politics. It is important that we come up with answers to let the industry go forward as quickly as possible.

Having read the Executive's questionnaire, I have identified one point that does not appear to be covered, which I wanted at least to bring to the committee's attention; I have no particular recommendation on what we should do thereafter. We might decide to suggest that the Executive should include the point in its review, or we might decide otherwise.

The first bullet point under question 4 of the questionnaire asks:

"what factors (eg impact on fish stocks used for fishmeal) need to be taken into account?"

The Executive should take into account not only how the industrial fishing and extraction of pout and sand eel affect the production of fishmeal, but how those things affect the fish population as a whole and the fish population of the North sea in particular. In other words, the Executive should

examine what effect the depletion of the food stocks for cod, haddock and other larger species has on the environment as a whole. It is generally accepted that 5 tonnes of industrial fishing yield the equivalent of 1 tonne of farmed fish. Given that fact, is that a sensible use of the environmental and economic resources that swim free in the North sea? Any inquiry into aquaculture must consider the effects of aquaculture on the broader ecology, particularly that of the North sea.

Mr Rumbles: I thought that you were asking about a procedural point, convener, rather than for substantive points, such as the one that Stewart Stevenson made. I understood that agenda item 2 was to consider the invitation to submit comments on the Executive's strategy.

Aquaculture is a huge subject. We have already decided that the Transport and the Environment Committee should investigate it and that we would send a reporter on the subject to that committee. If we are to comment on the strategy, we need to devote time to doing that, but I thought that we had decided to go down the other route. Whether one agrees with that or not, it is what the committee decided to do.

Stewart Stevenson is right that aquaculture is hugely important. Either we address it properly or we do not. We have already decided that the Transport and the Environment Committee should take the lead on the matter.

The Convener: I tend to agree with that, but it should not prevent members from mentioning any concerns that they may have about the shortcomings of the Executive's strategy while the document is in front of us. We have been asked to comment and are therefore entitled to do so.

Mr Rumbles: My point was that, if we comment as a committee, we will need to devote substantial time to doing that and not do it off the cuff, which we are in danger of doing.

Richard Lochhead: We must welcome the fact that the Executive is putting together an aquaculture strategy. A couple of years ago, some of us were calling on the Government and Parliament to examine Scotland's aquaculture industry. We now have a parliamentary inquiry and the Government is putting together a strategy.

I support Stewart Stevenson's point, which was important. The committee may wish to flag up that point to the minister. On Thursday, in the sea fisheries debate, many of the political parties will call on the minister to bring back from Brussels a plan to phase out industrial fishing in the North sea for the benefit of Scotland's commercial fisheries. That will have implications for the aquaculture sector, because sea cage fish farming is dependent, to an extent, on fishmeal. However, the industry is examining alternatives, such as

vegetarian alternatives to fishmeal. That is also welcome.

It is important that the Executive acknowledges that, if we are to phase out industrial fishing, which we all want to do, we must work closely with the aquaculture industry on the timetable and give the industry every assistance to cope with the phasing-out. It is imperative that industrial fishing is phased out sooner rather than later, which means that, from now on, the minister must work closely with the aquaculture industry, so that it is prepared.

Rhoda Grant: I suggest that we write to the minister and say that we wish him to consider industrial fishing and the effect on fish stocks of fish being used for fishmeal. That does not mean that we have to react to the request for comments. Mike Rumbles is right: if we start to consider aquaculture, we will have to take an awful lot of evidence before we can even respond. We should raise an issue that is missing from the strategy and that we want the Executive to address. That is a different matter.

The Convener: We are heading in that direction. That is helpful.

Mr McGrigor: The industry is important to the economy, particularly in the Highlands and Islands, so I welcome any strategy for aquaculture. At the same time, we cannot continue with the situation in which other users of sea lochs are being prevented from doing what they want to do because of a monoculture. Any strategy that could lead to the sustainable co-existence of different sea loch users would be extremely valuable.

The main point is regulation. At the moment, the aquaculture industry is regulated by about nine different bodies. A single regulatory authority, which has been asked for in the past, is favoured by both sides of the argument—if there is an argument.

On 24 April, the committee discussed at great length a petition from the National Farmers Union of Scotland. We discussed the possibility of compensation for various aspects of the aquaculture industry, but decided to await the Executive's response before deciding what to do. Was that response forthcoming? Perhaps this is the time for the committee to write to the minister and ask for his response, so that we may reconsider the possibilities that the petition raised, which are relevant to any aquaculture strategy.

14:30

Fergus Ewing: I welcome the fact that a strategy document for the aquaculture industry is to be produced. It is particularly important that that

document sets out a clear, cross-party commitment to an industry that, as other members have said, is essential for rural communities in Scotland, not to mention the thousands of jobs that are involved, to which Jamie McGrigor referred. I believe that 40 per cent of Scottish food exports currently come from salmon farming, and that there is a possibility of diversification into cod and other species. That could present more opportunities. The industry has been held back by a lack of commitment, thanks to the efforts of a close-knit group of enemies of the industry, who are vocal and have the ear of the media.

In Scotland, we have high standards, of which I had experience when I visited Dunstaffnage Marine Research Laboratory and saw DEPOMOD—a modelling tool—in development. It is the foremost computer model of its kind in the world.

I have two comments on the questionnaire. First, although the questions seem sensible, they could perhaps be supplemented. The questionnaire should ask whether the regulatory system is working, or whether it is too complicated. Are there too many bodies doing too many different things, perhaps not always with the best co-ordination?

In particular, what role does the Crown Estate play, other than being—to use a marine metaphor—a parasite on the salmon farming industry? Is not it a paradox, or at least an inconsistency, that the Crown Estate—of all the bodies that regulate the industry—is the only one that is not subject to the supervision and competence of devolution? Should not that situation be reviewed? Does it make sense to have an industry in which one regulatory body is outwith our survey, whereas all the other bodies are subject to our writ—such as it is? I want that to be considered.

Secondly, has the industry had unfair costs visited upon it as a result of the regime that exists here, compared with the regimes in Chile or Ireland, for example? I think that there have been unfair costs, but I do not see that question being asked and I think that it should be. We should look not only to Norway for information, but to Canada, Ireland, Chile and the few other countries that are active and successful in the industry.

Stewart Stevenson: I point out to Jamie McGrigor that one of the new feedstocks for farmed salmon is the mash that comes from whisky stills. That is a neat little loop, which sustains other parts of the rural economy. Once we start to unpick what is happening in the rural economy, we often find out a lot about sustainable development, which is exactly our remit.

Mr McGrigor: Is that where drunken fish come from?

Stewart Stevenson: Absolutely.

The Convener: I will bring this discussion back into the realms of sobriety, if I can.

Jamie McGrigor asked about petition PE272. I should have noticed this, but failed to do so: a response on that from Ross Finnie was circulated recently to members. The letter is dated 31 July, but it was circulated to members on 8 November. It might be worth our looking at that response before we decide whether to revisit the question. It is open to members to have that matter put back on the agenda at a later date, once they have studied the response. I freely confess that I have not studied it in detail, as I ought to have done. If we may, Mr McGrigor, I suggest that we return to the matter later.

I get the impression from the committee—members should correct me if I am wrong—that we agree, in essence, that we do not want to respond in detail to the questions on the questionnaire. As Mike Rumbles quite rightly suggested, doing so would start a whole new inquiry. The Transport and the Environment Committee has already taken it upon itself to go down that route.

We want to highlight the omissions—if I may put it that way—from the questionnaire, which members have pointed out. Those omissions include the effect on factory fishing and other concerns that have been raised. Are members content that the clerks draw up a response of that ilk and allow me to sign it or not, as the case may be?

Members indicated agreement.

Land Reform (Scotland) Bill: Stage 1

The Convener: Agenda item 3 is the Land Reform (Scotland) Bill. No sooner do we get rid of one bill than another lands in our laps. That is a happy situation.

Stewart Stevenson: No one is happier than Alasdair Morrison.

The Convener: Indeed, he will be involved with the bill on two committees as he is fortunate enough to be on the Justice 2 Committee as well. Oh joy, oh joy.

Members will have received a briefing paper on arrangements for stage 1 of the bill. We have been asked to report to the Justice 2 Committee by the second week in February. It is a tight schedule. Last week, I met the convener of the Justice 2 Committee, Pauline McNeill, and suggested to her a remit that this committee could happily take on board. I circulated the outline of that remit to members. The remit is to examine all three parts of the bill, from the specific point of view of the effect that the bill, as published, would have on the rural economy and businesses. The convener of the Justice 2 Committee and I were happy that that would be a perfectly acceptable remit for this committee. It would allow us to give a reasonably comprehensive report, which the bill deserves, in the time scale that is laid down.

I pleaded for an extra week in which to take evidence. The time scale now allows us one week for evidence on each part of the bill. In order to save witnesses coming back week after week, we want to ensure that, if they attended one week and had relevance to what we proposed to discuss the next week, we should also listen to what they have to say on that subject. We will try to stick to one subject each week, but will bear in mind that witnesses have to travel to the committee.

Members have received a private briefing paper, which suggests a skeleton programme. That is up for debate. It is intended to focus our minds on the approach that we take. Are members in broad agreement with the basic approach to how we take evidence? Are there comments on the focus of our evidence gathering? Have I got it right for once? Are members agreed?

Members indicated agreement.

The Convener: We move on to witnesses. We must make our decisions today, because the first evidence session is on our first day back after the Christmas recess. We must get notice out to the witnesses prior to the recess. They will almost certainly be drawing up written evidence before the end of December. It is important that we contact them within that time scale.

Mr Rumbles: On who we should invite on the first week back, I know that the programme outlined in the briefing paper is only a suggestion, but it would be of benefit to have people from different perspectives giving the committee evidence at the same time. I do not see the need to have the Royal Institute of Chartered Surveyors and the Scottish Landowners Federation together. They have slightly different views, but they are on the same side of the fence. I would like us to have one of those groups and one of the enterprise people, perhaps someone from Highlands and Islands Enterprise. What is missing from week one—and I would certainly benefit from this—is a representative from a community that has exercised, if you like, a community right to buy. If we have those three interest groups at the committee at the same time, we might get through the work more efficiently and effectively.

The Convener: I do not think that anyone has exercised a right to buy yet; I am not sure that there is one. Some people have certainly completed a buy-out.

Mr Rumbles: They have exercised their rights to buy as a normal commercial exercise. That is my point.

Mr Morrison: I agree with Mike Rumbles. From our point of view, it would be useful to hear evidence from those groups. I am conscious of the fact that two committee members sit on both the committees that are dealing with the bill.

I go a bit further than Mike Rumbles and suggest that people and estates have been actively involved in buy-outs. One of those is the Stornoway Trust, which is the oldest democratically run estate in Scotland. The late Lord Leverhulme handed it over to the people of Lewis in 1923. There are other such communities in the Highlands and Islands, in Assynt and other areas. News about inward investment and the positive impact on the economy is going to unfold later this week. Stornoway Trust is the blueprint for other communities. It is not fair to concentrate solely on the Western Isles, but a community in Uig and Valtos on the west coast of Lewis bought their estate three years ago. Within the space of an hour, one can see the contrast of the old and the new.

The solicitor Simon Fraser could slot into the Justice 2 Committee's evidence taking. He is one of the foremost experts in community buy-outs. He has been involved in all the buy-outs in the past 10 or 15 years. I am relaxed as to which committee he appears before. Other members will be familiar with Mr Fraser's work. He could appear at the Rural Development Committee or the Justice 2 Committee.

I agree with another of Mike Rumbles's

suggestions. Given that we are considering the impact on the economy, the Scottish land fund and the community land unit of Highlands and Islands Enterprise, which is led ably by John Watt, I suggest respectfully that John Watt and another colleague from HIE be called to the committee.

The Convener: Thank you very much for all that, which was obviously well informed. My only comment is that the committee took evidence in its early days from the Stornoway Trust and from Simon Fraser. The institution and the individual had quite an input into a report that we drew up. Given the time scale, should we take evidence from people from whom we have already taken evidence? I am well aware that we took that evidence two years ago and I am open to argument on the point. I simply point out to new members of the committee that we have heard from some of those people, who seem to be the obvious candidates, already. However, I am not ruling them out.

Mr Rumbles: We are talking along very much the same lines. We heard recently in the news about such a community in Gigha. I do not know any of the individuals who are concerned with that.

Rhoda Grant: Simon Fraser is involved in that. We might get Simon Fraser to talk about all those communities.

Mr Morrison: Simon Fraser certainly has an encyclopaedic knowledge of the subject.

The Convener: I suppose that he would be a useful witness if members are happy that he is the best witness to give the viewpoint of those who have been involved, either recently or some time ago, in a community buy-out. Mike Rumbles suggested rightly that we needed to hear from someone expressing that side of the argument. Are members happy that Simon Fraser would fulfil that role?

Members indicated agreement.

Fergus Ewing: I endorse what Mike Rumbles and Alasdair Morrison said in its entirety. I presume that John Watt would give evidence in the context of the HIE community land unit to us in week one anyway. Simon Fraser might come along in his role as adviser to that body. I hope that they will both give evidence, as that would be useful.

In addition to the community purchases that have been mentioned, I mention those in Eigg and Laggan. We could invite written evidence from those communities. A community in Grantown-on-Spey is considering purchasing a forest, although that is in the open market, which raises other issues.

I hope that we can write to all the communities that have exercised the right to buy. There are not

so many of them that that would be too difficult a task. We could only gain by asking them for evidence of their experience. I do not imagine that it will be possible to take oral evidence from everyone, but it might be possible to take oral evidence from some communities. I would welcome that.

The Convener: I think that the idea is that Simon Fraser would represent those groups.

Fergus Ewing: We should hear from the communities themselves rather than from only Simon Fraser, although we should hear from him anyway, because of his legal expertise, experience and involvement. There would be value in getting at least written evidence and possibly oral evidence from communities. Perhaps we could invite written responses, weigh them up and ask whether any community would like the chance to come and tell us what their experiences have been like. After all, that is what evidence is all about; that is what it is for. It seems absurd to hear from all the usual suspects and none of the potential beneficiaries of the bill.

Richard Lochhead: I support many of the comments that have been made. We recognise that land reform is close to the hearts of people in the Highlands and Islands, but it is also an issue for the rest of Scotland. The committee should bear that in mind. North-east Scotland does not have crofting counties because of an administrative cock-up in the 19th century, but many issues that are relevant to that area are relevant to the Highlands and Islands too.

For those reasons, we should also look for organisations and individuals from outwith the Highlands and Islands to speak to us. We have visited the Forest of Birse, so we might not want to invite representatives from there, as we spoke to them in Deeside. Perhaps Scottish Enterprise should remain on the list and we should not follow Mike Rumbles's suggestion of removing it.

14:45

Mr Rumbles: I agree with Fergus Ewing and Richard Lochhead. We should invite written evidence from all the community groups. Their first-hand experience would give us background. I declare an interest as a member of Birse Community Trust. We could invite Robin Callander, who is secretary of that trust, to submit written evidence, because the trust has an interest in the bill. Any organisation that we have previously identified should be able to write to us with information, but we should keep to one individual for overarching oral evidence.

The Convener: I thank Mr Rumbles for that. I agree with Richard Lochhead that the bill will have an impact on many other parts of Scotland and will

not affect just the Highlands and Islands. In my region, the south of Scotland, the bill will have a huge impact, yet the drive that is felt in some parts of Scotland is not felt in many other parts.

I would welcome a witness from the south of Scotland if we can identify the right one. As we have discussed many times, we must recognise that there are many different rural Scotlands. The bill's effect in each rural Scotland may be different. I am not sure who that witness might be. We must bear in mind that we have only one meeting for evidence on the subject. I do not want us to be overpowered by witnesses and unable to take concise and focused evidence. We may have to make hard decisions to achieve that end.

Richard Lochhead: We could include a geographical element in our oral evidence taking. The bill will affect the whole of Scotland, not just the Highlands and Islands. The Highlands and Islands have unique land attributes, but we should have input from other areas. We could have someone to speak to us on non-Highlands and Islands issues as well as having someone from the Highlands and Islands.

John Farquhar Munro: The National Farmers Union of Scotland is on the list of potential witnesses. That organisation has a wide remit and covers north, south, east and west Scotland. Will the committee agree to take evidence from an NFUS representative?

The Convener: We are still on the suggestions for week one. I imagine that the RICS or the SLF would give a Scottish perspective as opposed to a Highlands and Islands perspective.

Rhoda Grant: Our problem, which Richard Lochhead is driving at, is that no one who is pro community buy-out in areas outside the Highlands and Islands is represented. It is important to have a representative from a community in the Borders or in the north-east, for example, who has attempted or achieved a community buy-out. Most famous cases are in the Highlands and Islands, but a community must exist that wants to buy ground and may be facing problems.

Mr Rumbles: That is why I suggest that we obtain written evidence from Birse Community Trust. The trust is very unusual in the north-east. It bought the rights to the community and it has bought community woods and such things.

The Convener: I return to the fact that Birse Community Trust's evidence was included in our report on fact-finding visits.

Mr Rumbles: That is why I suggested written evidence.

The Convener: Fair enough.

Mr McGrigor: I am always delighted to hear from Simon Fraser, and the Stornoway Trust was a good idea of Alasdair Morrison's. To get a balanced argument, we should listen to arguments from the private estates. I was thinking of the North Uist estate—Mr Morrison comes from that island—which is a big estate of 70,000 acres. It is mainly crofted and its manager has worked with the Stornoway Trust and has connections with another estate, Amhuinnsuidhe on Harris. He is in an ideal position to give a bird's eye view of what goes on in those communities.

On the subject of the crofters' right to buy—

The Convener: We are coming to that. We have not even got past week one yet.

Richard Lochhead: I appreciate that we all want people from our own constituencies to give evidence, but one group that we might want to take evidence from is the tenant farmers. There has been some feedback from them that the bill does not contain much about their plight. If we choose to bring the NFUS before us, we could ask it to bring a representative of the tenant farmers.

The Convener: We can ask people to give evidence only on what is in the bill. We are talking about the general principles of the bill, which do not include a tenants' right to buy—if that is what you are referring to. I am not saying yea or nay to the argument, but this is not the right place to discuss it. It is not in the bill.

Mr Rumbles: Is that the correct interpretation?

Richard Lochhead: I am not convinced that it is excluded from the bill.

The Convener: Then I am sorry. You have read it in more detail than I have. That is noted for the time being. We will come back to it.

Stewart Stevenson: We do not agree on the general principles of the bill until we have completed stage 1. I am sure that that will be a matter of some discussion. What are the interest areas? There are sellers, buyers and facilitators. In each part of our review of the bill, as a matter of general principle, it is probably important that those three areas of interest are represented. We are nearly there. The chartered surveyors are the facilitators and the SLF are the sellers. We need the buyers in there. We will return to that as we come to other headings.

Mr Morrison: I am interested in Jamie McGrigor's comment about the North Uist estate, which I know well. Is it an estate that would willingly comply with the diktat of the bill when it is on the statute book or would it be proselytising from another perspective?

Mr McGrigor: I have no idea. We want a balanced argument before we give any diktats.

Mr Rumbles: I suggest that we get one member from the RICS, Simon Fraser and one representative from Highlands and Islands Enterprise, to give an overarching view. Everybody else could give us written evidence.

The Convener: I am fearful that if we go wider than that, we will go so wide that we end up not getting proper evidence from anybody. It is almost easier to take three people like that, who would cover the broad agenda, than it is to broaden it out. Once we start broadening it out, I am not sure where we stop. The important thing is that we are satisfied that we cover each side of the argument and that we have a balanced witness list.

Mr McGrigor: Will we have three days of evidence?

The Convener: Yes. We are talking about the evidence on the community right to buy.

Mr McGrigor: I was talking more about the crofters' right to buy.

The Convener: That is day two. We will come to that in a minute, once we have day one sorted out.

Richard Lochhead: To add to my suggestions, is there potential for evidence from a third person from outwith the Highlands and Islands?

The Convener: There is no doubt that the RICS and the SLF would cover a Scotland-wide perspective from the sellers' point of view. We are talking about Simon Fraser from the point of view of community buy-out and those who have bought and about Highlands and Islands Enterprise from the agency point of view.

Richard Lochhead: That means that there is no one from outwith the Highlands and Islands to talk about regeneration of rural communities from community buy-out.

Irene Oldfather (Cunninghame South) (Lab): I support Richard Lochhead on that important point. Scottish Enterprise is on the list. Perhaps it would be preferable to have someone from Scottish Enterprise as there is a local economic development aspect. Another point that I want to mention was the time scale. I assume that we will request written evidence from next week. It will cover the holiday period. The first committee meeting after the recess is 8 January and we will be working to a very tight time scale.

The Convener: The Justice 2 Committee has already put out a call for written evidence. All the written submissions will go to the Justice 2 Committee. I presume that the evidence that is pertinent to us will be given to us as soon as possible after the end of December. We will probably get it on 7 January. The Justice 2 Committee will not have invited specific people to give evidence. However, I am sure that the people

we are thinking of would want get in there as fast as they can.

Rhoda Grant: Can I make a helpful suggestion? Could we swap week one and week two? We know who we want to speak to on the crofting communities' right to buy and it will be a much smaller gathering, so we could perhaps leave the community right-to-buy element until week two. That way, if written evidence was submitted that meant that we wanted to see someone specific, we would have time to consider after we came back from the Christmas recess and we could call that person to give evidence in week two. That would give us more scope to identify interested parties from other areas.

The Convener: I have no difficulty with that. Are members agreed that we should swap week one and week two?

Mr McGrigor: Wait a minute. Could you clarify that proposal, convener?

The Convener: That would mean that in week one we will discuss the crofting communities' right to buy and in week two we will discuss the community right to buy.

Mr McGrigor: In that case I would like to put my initial suggestion to the committee again.

The Convener: We will come to that eventually. Let us stick with the witnesses that we were talking about for week one before we so helpfully turned it upside down. Members will note that there was the idea of having a general introduction from Professor John Bryden of the University of Aberdeen. I am told that he is the man to talk to on community right to buy. Do members think that that is a good idea or do we know enough about the situation to go straight into more specific evidence?

Fergus Ewing: Could we not take his evidence in conjunction with that of other witnesses? We are all fairly familiar with the concept.

The Convener: Scottish Enterprise is on the list and it is completely open to us to include Scottish Enterprise in the witnesses as representative of those involved in any buy-out outwith the Highlands and Islands. Richard, are you content that Scottish Enterprise would be a suitable witness to cover your concerns?

Richard Lochhead: Yes. No one else springs to mind at the moment, apart from Robin Callander of Birse Community Trust.

The Convener: We have already taken evidence from him.

Richard Lochhead: Exactly. As long as someone is there who can give us a perspective from outwith the Highlands and Islands it will be a start.

Mr McGrigor: I gather that the names put forward so far for the community right to buy have been Simon Fraser and Highlands and Islands Enterprise. Is that right?

The Convener: The RICS or the SLF—we have not determined which—Scottish Enterprise and Highlands and Islands Enterprise have been suggested.

Mr McGrigor: I am concerned because the chairman of Highlands and Islands Enterprise is Jim Hunter and his views and those of Simon Fraser tend to back one side of the argument. I would like to see a balanced argument in committee.

The Convener: It is very important that we achieve a balance.

Mr Rumbles: I suggest that we hear from a maximum of four people and that we take them together. I do not think that we need an introduction from Professor John Bryden. Fergus Ewing suggested that we hear from him at the same time as we hear from the others. The witnesses would be Professor Bryden, Simon Fraser, someone from the RICS or the SLF and someone from Scottish Enterprise. I suggest that we take them together and move on. We should have a maximum of four witnesses; otherwise we will be here all day.

Rhoda Grant: We need someone from Highlands and Islands Enterprise's community land unit—for example, John Watt. He can represent—

Mr Rumbles: The enterprise agencies as well. Otherwise, we will spend all day here.

Rhoda Grant: We should keep it at those five witnesses.

15:00

Fergus Ewing: I agree with virtually everything that Mike Rumbles said, except that evidence from the SLF and the RICS would be significantly different.

The Convener: I agree.

Fergus Ewing: If we take evidence from the SLF, that would deal with Jamie McGrigor's point that there should be somebody to put the landowners' side of the equation. That undoubtedly is true. There should be somebody to put the other side of the equation. The RICS will have the chance to answer—[*Interruption.*] I see that the convener has a nosebleed.

The Convener: Yes, it is not a pretty sight.

Fergus Ewing: I will just keep going.

The RICS will have the chance to answer serious questions that have arisen in relation to—

is great to have a captive audience—the valuation of land. There is a lot of talk about general principles, but there is little talk about how much land is worth, how that value is calculated and the way in which the valuation process relates to the amount of money that the land can be used to produce by lawful means. There has been little discussion about that, but in my constituency I already have come across examples where the high or low valuation of land will have some odd consequences for the whole process, and which might result in handing over inflated pay cheques to some of our landowning fraternity. I am sure that is not the primary purpose of the legislation.

I can change the subject and talk about stamp collecting if you want, convener. Perhaps I will stop there.

The Convener: We might reach agreement quicker if you do.

I am only prepared to appear in front of the committee like this because we are not on webcam. Sorry about this.

Are you suggesting that we should take evidence from the RICS and the SLF?

Fergus Ewing: Yes.

The Convener: I am in favour of that, because their evidence will be significantly different.

Fergus Ewing: They are two different lines of evidence that we should not neglect.

The Convener: I suggest that we invite the RICS, the SLF and Simon Fraser. We could expand and have six witnesses. We could also have a representative of a community buy-out from the Highlands and Islands or elsewhere; a representative of Highlands and Islands Enterprise, either John Watt from the community land unit or someone else; and somebody from Scottish Enterprise to represent non-Highlands and Islands areas. We could deal with six witnesses perfectly adequately.

Richard Lochhead: If we are worried about time, surely we can just ask them to cut out their opening statements. I do not know why the number of witnesses is a problem. We should have the witnesses that we require.

The Convener: Six witnesses is not a problem, but 16 would be.

Richard Lochhead: We should have no opening statements and go straight to asking questions.

Rhoda Grant: Can we ask for written statements that we can read before the meeting?

The Convener: Absolutely. We will ask for statements of a maximum of two sheets of A4, and

the witnesses will not be able to read them out on the day.

Mr Rumbles: As this is our one shot at this issue, would it be worth keeping the agenda free for this item so that we can concentrate on it?

The Convener: We cannot do that because we get statutory instruments that have to be dealt with, but there is a determination to keep the agenda as free as possible.

Mr Rumbles: I make that point because we have always agreed that we should meet fortnightly, but we have achieved it only once.

The Convener: We will not be meeting fortnightly during this exercise, Mr Rumbles, I can assure you. We have been given such a tight time scale that we have no choice. We will have to meet for the first five weeks of the new year.

Mr Rumbles: I am not arguing that we should not meet every week. I think that we should. I am saying that we should ensure that we give this issue the attention that it deserves.

The Convener: Absolutely. You have my word on that. The evidence could be taken in week two, which would be the meeting of 16 January. So far it is the only item on the agenda. There might be a statutory instrument or two, but the evidence will be the major part of the agenda. There is no doubt about that. Are members happy with that compromise?

Members indicated agreement.

The Convener: I do not think that it is a compromise; I think we have achieved a balance of witnesses. I confirm that the decision is to have a representative of the SLF, a representative of the RICS and Simon Fraser, plus a representative of a community buy-out whom we have yet to determine. Can we do so now?

Rhoda Grant: Simon Fraser will know who would be best.

Mr Morrison: He is best placed.

The Convener: I have no great objection to that. We will also have John Watt from HIE's community land unit and a Scottish Enterprise representative.

Mr Rumbles: What about Professor John Bryden of the University of Aberdeen?

The Convener: I think we agreed that six witnesses will be ample, but I am always apt to listen, if members think differently.

Rhoda Grant: We could ask for written evidence.

The Convener: Indeed. We will ask him for written evidence. That is day two.

It has been agreed that day one will be on the crofting community's right to buy. Rhoda Grant said that witnesses are more readily identifiable for that day. We have flagged up the Scottish Crofting Foundation, the Association of Salmon Fishery Boards and the Highlands and Islands Rivers Association. I am not sure of the correct title of the Crofting Counties Fisheries—

Mr McGrigor: It is the Crofting Counties Fishing Rights Group. The group is not mentioned in the paper.

The Convener: Is that a group of people employed on the rivers in connection with the fisheries?

Rhoda Grant: I think that it is a lobby group that was set up as a result of the Land Reform (Scotland) Bill. It opposes the fisheries buy-out. I am not sure whether we should take evidence from it because it already has a set point of view. Any concerns could be put forward by the fishery boards.

Fergus Ewing: I agree with Rhoda Grant, but I want to raise a separate point about the crofting community's right to buy. Members know that Inverness-shire is one of the crofting counties, but the crofting legislation does not extend to Inverness-shire in its entirety. A group of crofters in Granton-on-Spey believes that it should and that they are not receiving the advantages that are being received in the crofting counties. It might be appropriate for them to state their case to the committee. Convener, you said that you are particularly interested in how rural life and businesses will be affected. There is an opportunity for them to tell us about themselves and argue that they should not be denied the same benefits as crofters elsewhere. I think that Hamish Jack is the leader of the group.

The Convener: Do members agree that the main issue in that part of the bill for the committee is the right of crofters to buy fishing rights to water adjoining their land?

Rhoda Grant: We need to consider the whole issue of crofters' right to buy. Crofters were concerned that communities could buy crofting land without crofter involvement as those in the communities would outnumber the crofters. Some of those issues have been tackled, but we need to talk about the crofting community's right to buy and the fisheries as part of that right—we must talk about the whole right-to-buy issue.

The Convener: I presume that that issue can be addressed by the Scottish Crofting Foundation. Should there be anybody else to consider that point of view?

Rhoda Grant: Speaking to the Crofters Commission might be worth while. It has a huge

wad of information on crofting and the legal issues that surround crofting. It could tell us about crofters' current right to buy and how the bill would change that right.

Richard Lochhead: I support Rhoda Grant's and Fergus Ewing's suggestions. On Fergus Ewing's suggestion, it is important that we hear from people who do not live in the crofting communities that the bill recognises. The bill aims to achieve certain objectives and we should ensure that it does so. We should therefore hear the views of people who are not directly recognised by the bill to find out whether they have a case for inclusion.

On Rhoda Grant's comments, the organisations that will give oral evidence should give us unique contributions. Some organisations that have been mentioned will perhaps come out with the same arguments. I am not sure whether the Highlands and Islands Rivers Association and the other body that was mentioned would be appropriate for oral evidence.

The Convener: I am happy to listen to that, but I disagree with you on the Crofting Counties Fishing Rights Group—if it is a lobby group. If a group of people feel that their livelihood is threatened by the bill and see fit to set themselves up as an organisation, it is incumbent on us to take evidence from that group.

Richard Lochhead: We should take evidence from that group, but must it be oral evidence? We will also take evidence from the Highlands and Islands Rivers Association and the Association of Salmon Fishery Boards.

The Convener: We might not take evidence from all the groups. I accept that argument—I do not wish evidence to be duplicated.

Mr Rumbles: We decided to take evidence from six organisations or individuals in the second week, but in the first week we will have only the Scottish Crofting Foundation, the Association of Salmon Fishery Boards, the Highlands and Islands Rivers Association and the Crofting Counties Fishing Rights Group. That is four organisations, which should be manageable if we can manage six organisations in the following week.

Rhoda Grant: We also agreed to take evidence from the Crofters Commission.

Mr Rumbles: That is still only five organisations and we will have six in the second week.

The Convener: How would members feel if we asked the rivers association—what is it called?

Mr McGrigor: The Highlands and Islands Rivers Association. There is also the Crofting Counties Fishing Right-to-buy Group.

The Convener: Are you suggesting that group

instead of the Highlands and Islands Rivers Association?

Mr McGrigor: The Crofting Counties Fishing Right-to-buy Group represents river workers and managers.

The Convener: I presume that the Highlands and Islands Rivers Association is well represented in the Association of Salmon Fishery Boards.

Mr McGrigor: Your guess is as good as mine, but I think so.

Stewart Stevenson: The salmon fishery boards are statutory bodies.

The Convener: Yes.

Stewart Stevenson: Therefore, they have a different position in the matter.

The Convener: I think that they see themselves as representing the management of rivers.

Stewart Stevenson: I mean that the salmon fishery boards come from a different position. They reflect previous legislation, such as the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951, and were established under it.

The Convener: That does not stop them from giving evidence to the committee.

Stewart Stevenson: No. All that I mean is that the salmon fishery boards should not supplant another body. We should hear from the fishery boards.

Mr McGrigor: I suggested that representatives of an estate should give evidence. Is that still a possibility in this group of witnesses? According to the paper from the clerk, the remit of the committee is to take advice from people in the countryside who will be affected by the bill. If we take evidence from bodies, we must also take evidence from people on the ground.

The Convener: Whom do you suggest?

Mr McGrigor: I suggest North Uist estate because North Uist is a unique example of an island that is almost entirely taken up with crofts. The island will obviously be affected by a buy-out under the Land Reform (Scotland) Bill.

The Convener: Forgive my ignorance of the area. Does it have a significant salmon river that might be affected by the bill?

Mr McGrigor: North Uist has an enormous number of salmon and sea trout systems. Shooting, fishing and deer stalking also take place on the island. All the activities that will be affected by the bill are represented on the island. Also, there are 500 to 600 crofters, which is a large number.

Richard Lochhead: Most estates are probably members of the Highlands and Islands Rivers Association. I am concerned because we have named six or seven groups, four or five of which oppose the bill. We have a duty to ensure that the oral evidence is balanced.

The Convener: I accept that a balance is vital. However, we do not have four or five groups on the list who oppose the legislation.

Mr Rumbles: As I understand Richard Lochhead's comment, he implied that the Association of Salmon Fishery Boards will include members of many estates.

The Convener: I am not arguing with that. I think that I am right in saying that at the moment we plan to hear evidence from the Scottish Crofting Foundation. Forgive my ignorance, but do both the Scottish Crofting Foundation and the Crofters Commission have—

Rhoda Grant: They are two different bodies.

The Convener: I know that.

Rhoda Grant: The Crofters Commission is a quango, for want of a better word. It is a statutory body.

The Convener: However, you feel that it could make a relevant input to this part of the debate. I am happy to take your word on that.

Mr McGrigor: The Scottish Crofting Foundation is what used to be called the Scottish Crofters Union.

The Convener: Absolutely.

John Farquhar Munro: Will the debate on crofting communities' right to buy be restricted to the purchase of salmon fishing rights?

The Convener: No—Rhoda Grant made that quite plain.

John Farquhar Munro: We need also to deal with the question of mineral and sporting rights. The organisations from which it is suggested we take evidence seem mainly to be those with an interest in fishing.

15:15

The Convener: Are members content that we have achieved a balance?

Mr Rumbles: How many organisations will give evidence to us?

The Convener: We will take evidence from the Crofters Commission, the Scottish Crofting Foundation, the Association of Salmon Fishery Boards and the Highlands and Islands Rivers Association. There is room for us to take evidence from two more organisations, if members think that that is necessary.

Mr Rumbles: What about the group that Jamie McGrigor mentioned, the Crofting Counties Fishing Rights Group? Members have said that that was set up specifically to oppose the bill. I am in favour of the bill, but I think that we are duty bound to hear from people who oppose it.

The Convener: I understand that those people feel that their jobs are threatened. In my view, we would be found wanting if we did not take evidence from people who feel that way.

Rhoda Grant: Can we take evidence from the Crofting Counties Fishing Rights Group instead of from the Highlands and Islands River Association?

The Convener: The other option is to take evidence both from the Crofting Counties Fishing Rights Group and from someone on the other side of the argument.

Richard Lochhead: I agree with Rhoda Grant's previous point. One of the debates about the purchase of salmon fisheries concerns the support that will be available to any crofting community that buys salmon fishing rights. Surely it would make sense for us to take evidence from an economic agency. As things stand, we will not hear from anyone to whom we could put questions about economic support, which is at the crux of the debate. Those who are opposed to the purchase of salmon fisheries say that the new buyer would not be able to maintain a commercial operation because they would lack economic experience, commercial wherewithal and so on. We need to ask an economic agency what help it could give buyers in that situation.

The Convener: That sounds logical to me.

Rhoda Grant: I understood that we could discuss a range of issues with all the witnesses. The Scottish Land Fund, the Highlands and Islands Enterprise land unit and Scottish Enterprise are due to give evidence in the second week. We should be able to ask them about issues such as fishing buy-out.

The Convener: It is incumbent on us not to force witnesses to appear before us too often. It should be open to them when they are with us to comment on evidence taken in a previous week. We could ask the Crofting Counties Fishing Rights Group to give evidence to us in week one. Highlands and Islands Enterprise could also be given the chance to give evidence then, if it wished. That would balance the two sides.

Mr McGrigor: Rhoda Grant asked why the Highlands and Islands Rivers Association and the CCFRG could not be linked. However, the two organisations represent completely different people. One represents river workers and managers, whereas the other presumably represents river owners. The organisations have

different perspectives.

The Convener: It is suggested that we take evidence from the Crofters Commission, the Scottish Crofting Foundation, the Association of Salmon Fishery Boards, the Highlands and Islands Rivers Association, the CCFRA—if I can call it that—and HIE.

Fergus Ewing: And from Mr Jack.

The Convener: Mr Jack?

Fergus Ewing: I have mentioned him three times. I hoped that the message would have got through.

The Convener: I am sorry. Would Mr Jack balance the CCFRA nicely?

Fergus Ewing: Mr Jack would like to comment generally on the community right to buy. I do not think that he will talk about fishing.

The Convener: That makes a total of six sets of witnesses. We should take evidence from Mr Jack and the witnesses from Highlands and Islands Enterprise should be asked to comment on that evidence when we hear from them in week two. Is that agreed?

Members: Yes.

The Convener: I shall run over that for the last time. We will invite the Crofters Commission, the Scottish Crofting Foundation, the Association of Salmon Fishery Boards, the Highlands and Islands Rivers Association, the CCFRA and Mr Jack.

Mr McGrigor: I think that it is the CCFRTBG.

The Convener: Whatever—we will sort that out. It is not CCTV anyway, that is for sure.

We now come to the week three meeting, which we hope to hold in the Loch Lomond area. We had always envisaged going to Loch Lomond to discuss the statutory instrument on the national park designation. We may still do that. At any rate, the committee may wish to take some evidence on the national park when we are in that part of the world. However, we will be there specifically to deal with access legislation.

That meeting would take place on a Monday, as visits outwith the Parliament do. The suggestion is that we meet in the morning to go to a site—we have asked the NFUS to suggest a suitable site in the area—where access problems can be identified. That idea is up for debate. It is suggested that we then move on to another site somewhere near Loch Lomond to take evidence. The suggested witnesses—the list is open to expansion—include the Ramblers Association, the NFUS and VisitScotland, as there could be an impact on tourism.

Mr Rumbles: That sounds like a good idea.

Mr Morrison: Agreed.

Rhoda Grant: A representative of small businesses that run outdoor activities could also be included. I am thinking of people who do canoeing or are climbing guides, for example.

The Convener: Members will note that the paper also states that the Justice 2 Committee will be taking evidence from the Scottish Outdoor Recreation Network. On the other hand, that committee is also taking evidence from the Crofters Commission and the Scottish Crofting Foundation, so there is nothing to stop us asking the Scottish Outdoor Recreation Network to come to the Rural Development Committee as well.

Stewart Stevenson: I would certainly like us to take evidence from someone who can address the issue of access to water. That could be done by the people whom Rhoda Grant has suggested. There are specific issues about access to Loch Lomond for certain categories of recreational craft, such as speedboats, which I personally do not like, but that is another matter.

The Convener: We are already inviting evidence from VisitScotland. If we invite witnesses from the Scottish Outdoor Recreation Network, they could cover speedboats. As I understand it, there is no access for mechanically propelled craft.

Stewart Stevenson: There are issues in that general area. As long as the Scottish Outdoor Recreation Network witnesses can address the issue of access to water, we should hear from them. I spent a very pleasant day with the Scottish Canoe Association, which took me to Loch Faskally. Lo and behold, when we got there we immediately hit an access problem, so I am pretty convinced that there are some real problems.

The Convener: We have added the Scottish Outdoor Recreation Network to the list, along with the Ramblers Association, the NFUS and VisitScotland, so long as we are happy that the Scottish Outdoor Recreation Network witnesses can cover access to water. If they cannot, we will come back to that list again. Are members agreed?

Members *indicated agreement.*

Mr Rumbles: Did I hear you say that we will meet on a Monday afternoon?

The Convener: The idea is that we should have a visit in the morning to somewhere where access could have a specific impact so that we can hear whatever side of the argument we are given. We have written to the NFUS for advice on where that might be.

Mr Rumbles: Is that on the Monday morning?

The Convener: Yes. After luncheon, we will meet at a site yet to be determined. We were

already scheduled to have a meeting outwith the Parliament on that day and in that area. Loch Lomond did not seem a daft place to go. Although we will not be dealing specifically with the national park, that could become part of the agenda. If members are content, we will leave that issue and I thank you for bearing with us.

Stewart Stevenson: On a procedural point, will the minutes reflecting the specific decisions that we have taken be published before Alasdair Morrison and I attend the Justice 2 Committee meeting?

The Convener: Yes.

Foot-and-mouth Disease

The Convener: If members will bear with me, I want to move to item 5, because the witnesses need to leave by 4 o'clock. I was not aware of that until now. Assuming that members agree—and I find it hard to believe that they will not—I welcome Mary Bradley, David Dickson and Leslie Gardner from the Scottish Executive. They are here to answer questions from members on the latest position regarding foot-and-mouth disease and the restrictions pertaining thereto.

Members should have received a paper on the progress that is being made in lifting the restrictions due to foot-and-mouth disease, particularly since the stakeholder meeting last week. The paper was e-mailed last week and members should have a paper copy in front of them. I ask David Dickson to speak to the paper and give us an introduction to the topic.

David Dickson (Scottish Executive Environment and Rural Affairs Department): As members will be aware, since the outbreak of foot-and-mouth disease in Scotland at the beginning of March this year, we have had in place a system for the control of movement and other controls. The controls were concentrated on the areas where there was disease and were designed to stop the disease spreading from those areas. They were put in place to give us the maximum opportunity to eradicate the disease as quickly as possible.

The last outbreak of the disease in Scotland was on 30 May. In consultation with the industry, we have been progressively reducing the level of the restrictions. As of last week, with the minister's agreement and with the support of the industry, it was felt that we could signal the removal of most of the remaining foot-and-mouth disease controls. The programme was designed to start on 4 December and continue through to the end of January. The last of the restrictions are on sheep, the species which brought us the greatest amount of grief during the outbreak.

The minister feels that we ought to use three items to maintain general control: a 20-day rule in some shape or form; security at markets; and livestock identification and tracing rules. An industry Executive working group will discuss each of those items. The 20-day rule group meets tomorrow to discuss a range of possible alterations to the stringent controls that are in place just now. The group discussing market security meets on Thursday afternoon. There is a meeting of the livestock identification and tracing committee tomorrow.

The idea is to discuss options with the industry and then make recommendations to the minister,

to see what procedure should be followed from the end of January. There is time between now and the end of January to arrive at a view on what medium-term controls ought to remain. We also have time to gather the outcomes of the various reviews that were set up to consider the lessons to be learned and the sort of controls that ought to be in place in future.

That is a general and, I hope, fairly short, introduction.

The Convener: I am grateful for your conciseness because it allows a limited period of time for members' questions.

I will start by asking you about the 20-day rule. I am sure that you are aware that the industry feels that that rule, above all of them, is very much strangling normal trade. For example, the other day someone told me that he had lambs ready for export that he could not move at their optimum period of fitness for trade. Because there had been a movement of one tup on to the farm, he would not be able to move his lambs for another 16 days. As everyone will be aware, keeping lambs at that level of fatness is not easy. Given that you say that there is possibly room for a little flexibility before a final determination is made on the rule, will you discuss the possibility of applying the rule purely to animals that are moved on to a given unit, which could easily be isolated and monitored for the period, to allow the outgoing of stock, particularly for slaughter?

15:30

David Dickson: Even under the current 21-day rule, there is provision for animals to go direct to slaughter. However, in order to meet the conditions set by Brussels for the export of our sheepmeat, we have to comply with a 30-day rule—I am sorry to confuse matters—which means that any susceptible species that is moved on to a farm within 30 days disqualifies lambs from going for slaughter. Such export conditions are entirely outside the 20 or 21-day rule and will remain in place until Europe accepts that we are free of disease. At that point, all the mechanisms with which we have had to comply for export purposes will fall away.

Leslie Gardner might be able to outline the veterinary thinking behind having a mechanism such as the 20-day rule in the light of what happened with the disease and given the awareness that the disease is always likely to be a threat in this country.

The Convener: Thank you for the clarification. We would love to hear from Mr Gardner.

Leslie Gardner (Scottish Executive Environment and Rural Affairs Department): The background to the 20-day rule will be

apparent from the recent epidemic of foot-and-mouth disease. Animals move very widely and a particularly unfortunate aspect of this epidemic is the fact that there was huge movement of infected animals and dissemination before the disease was even identified. The 20-day rule introduces a delay in the spread of the disease. It provides an opportunity for disease symptoms to become apparent and for action to be taken to stamp out the disease at source before there is any movement of livestock.

The 21-day rule—I am sorry. There was a 21-day rule for pigs, but it has since metamorphosed into the 20-day rule. I still use the historical term. The 21-day rule was introduced into the pig industry in 1972 after we tried to deal with swine vesicular disease. The mechanism has been very effective in controlling disease in the pig industry. Last year, we had an example of that with classical swine fever, which is an acutely epidemic viral disease that spreads in pigs and is similar to—though perhaps not as contagious as—foot-and-mouth disease. The disease was contained within one marketing group, which amounted to two groups of animals and only 16 cases.

As a result, the problem is not the theory but the practical application of a 20-day rule in cattle and sheep husbandry, which are obviously very different from the pig industry. A continuum of risk is associated with the spread of disease. At one end of the spectrum, there is no movement and so no risk; at the other end, there is unlimited movement and additional risk. Somewhere on that continuum, we can strike a balance between risk reduction measures such as the 21-day rule and the practicality of keeping a farming business going. That is why, in theory, we want a 21-day rule.

The Scottish Executive environment and rural affairs department has set up a working group with the industry to examine all aspects of the 21-day rule. That will allow us to take a view of the risks of particular suggestions that are made in consultation discussions and to see how those relate to the 21-day rule. In veterinary terms—leaving aside the political and practical aspects—the 21-day rule is an important measure.

Richard Lochhead: As the convener rightly said, one of the biggest concerns—if not the biggest concern—with regard to the foot-and-mouth regulations is the 21-day rule. I have spoken to many farmers in the recent weeks and months. They believe that the Executive is putting the cart before the horse. They are extremely concerned that a regulation, which is causing enormous difficulty in what is a stratified industry, is evolving from being temporary to becoming permanent. That is particularly the case in places such as the north-east of Scotland. We do not yet

have the conclusions of an inquiry into the causes of foot-and-mouth.

The Executive has introduced temporary restrictions, some of which farmers thought were necessary. They thought that others went overboard, as we do not yet know the causes of foot-and-mouth. The industry in the north-east of Scotland is stratified, which means that sheep and cattle farmers have to have their animals in the right place at the right time in order to conduct their business. The buyer's market has to match the seller's market. If that cannot be achieved, the industry grinds to a halt for the 20-day period.

Why is the Executive talking about making a temporary restriction permanent, despite opposition from the industry? That opposition was evident from industry submissions made during the consultation on the 21-day rule. Why does the 21-day rule remain on the agenda when there has been no inquiry report? There should be an independent public inquiry, but that is not going to happen.

There is much concern about the lack of scrutiny of the regulations that have been introduced. The Parliament has not debated in detail any of the movement restrictions. No parliamentary debate has been held on the 21-day rule. Farmers whom I have spoken to are completely perplexed by the draconian way in which the regulations were proposed and introduced.

Will the Parliament have a role in giving the go-ahead to a replacement for the 21-day rule? If the rule is to continue, will the Parliament have a role or will the rule be sneaked through the Parliament in the form of a Scottish statutory instrument? The Rural Development Committee will no doubt be forced to take a decision on it after a few minutes' debate.

The Convener: Mr Dickson has quite a few questions to answer.

David Dickson: I hope that we have not said that the 21-day rule is to be a permanent measure. Foot-and-mouth has been a horrendous experience. We have come through it, although we cannot eliminate fully the possibility that the disease remains in Scotland. There is also the possibility that the disease may remain elsewhere and may come in on imports. We had hoped that the findings of the inquiries would coincide with the point at which we had cleared up after the disease. We are ahead of the game. That is a credit to us—we are at least six months ahead of England.

The minister does not see the 21-day rule as a permanent measure. Subject to discussion and debate, he wants a measure that can be rolled forward and carry us from the current 21-day rule to when we have the findings of the inquiries. At

this juncture, the 21-day rule is not seen as permanent. It is a step to take us from where we are at present to when the findings of the inquiries are published. The measure would be subject to discussion with the industry.

We have been through an emergency and have operated on the basis of emergency legislation. We envisage that any legislative controls that continue from the end of January will not be foot-and-mouth disease controls, but controls under sections 1 and 8 of the Animal Health Act 1981. That being the case, the controls will be subject to parliamentary scrutiny and the 21-day rule—the 21-day parliamentary rule, if members will excuse the complication.

We are conscious of how serious the issue is for the industry. We are emphatically not trying to disadvantage the industry or put problems in its way, but about £3.7 billion or £2.7 billion or whatever has been spent on eradicating foot-and-mouth disease and responsibility must be taken for ensuring that at least some measures are in place in the short term to guard against the possibility of reinfection. The risk is not confined to foot-and-mouth disease—another infectious disease could come in. We must have a measure that takes account of what we have been through and the problems that foot-and-mouth has caused us.

The Convener: If we have time, I will come back to you at the end, Mr Lochhead. With due respect, you have had a fair crack at the whip.

Mr Rumbles: My questions follow on closely from Richard Lochhead's line of questioning. According to the update,

"it looks very much as though the whole of Great Britain will satisfy the 3 month freedom from disease test by the end of December."

Great Britain should be

"accepted free of Foot and Mouth Disease"

and trade should be

"restored to the pre-FMD basis."

Nobody would criticise the emergency regulations that were used during the outbreak and the 20 or 21-day rule is absolutely right. However, I am a little bit concerned at the wish to keep the 20 or 21-day rule when we are arguing that the whole of Great Britain is free of the disease—or will be very soon.

In the reply that David Dickson gave to Richard Lochhead, he said that the minister would certainly want to keep the restrictions until all the various inquiries that are going on have ended. Then he said that the issue is not just about foot-and-mouth. Having heard the responses, I am more concerned than I was before that the 20 or 21-day

rule might never be relaxed. Will David Dickson comment further?

David Dickson: I have stressed throughout that the minister's instruction is that we must negotiate the matter with the industry. I have assured the committee that whatever measure is left in place—if one is left in place—will be subject to parliamentary scrutiny. The committee has heard the veterinary advice on the disease. We must reflect that advice. The minister feels obliged to reflect on it before he decides that it is appropriate to scrap the 21-day rule in its entirety.

Mr Rumbles: You focused on foot-and-mouth disease. I can understand the logic of waiting for the reports to come in. You went on to say that there are other diseases. I get the impression that once one door to keeping the restriction in place is closed, another one will be opened. Do you see what I am getting at?

Leslie Gardner: In international trade, public enemy No 1 is foot-and-mouth disease. Everything that we have done to stamp out the disease has been driven by international agreements, the OIE and European Union legislation, which are aimed at underpinning the safety of international trade.

The principles of a 21-day rule apply to other diseases, but foot-and-mouth is the critical disease—the one that we are worried about. This year's manifestation of foot-and-mouth disease has not been the raging clinical disease that one would expect in cattle and the disease is much less obvious in sheep. In that situation, it is important, for veterinary reasons, to slow down trade, to give the disease an opportunity to incubate so that it can be identified and action can be taken. The disease has an incubation period of between four and eight days.

David Dickson spoke about reviews; the GB Royal Society review has focused on that very point. In this country, we are subject to threats: we have a global economy; we have people moving backwards and forwards; and we have a vast trade in animal products. Realistically, even with all the measures that can be put in place at borders, we will be exposed to a level of risk. The important thing is to ensure that, if a disease is introduced, we can stamp it out before one case turns into 2,000 outbreaks. The review will consider the two aspects of disease control—the threats that we are exposed to and the controls that can be sensibly and practically applied. The position that is ultimately taken on controls will have to be informed by that review and by the decisions taken by the people on the expert body.

15:45

Stewart Stevenson: On 8 November, we had an excellent debate on foot-and-mouth. Most of

the members who spoke felt that we should have a public inquiry. I still feel that the kind of public interchange that we are having today—in which the questioners can learn from the experts and the experts can learn about the real concerns of the questioners' constituents—is the way forward. However, that is not what we are discussing today.

At the height of the foot-and-mouth problem we had considerable restrictions on many mammalian species—not least of which was the human being. Children were not permitted to go to school and farmers and their wives and dependants were confined to the farm. There was a transport standstill.

Can the witnesses talk about the relative importance of the different potential vectors of disease, such as a human being carrying disease out on a wellington boot? If they can—and if the convener allows—that would allow me to ask my second short question.

Leslie Gardner: The biggest risk in the spread of any animal disease—especially a viral disease such as foot-and-mouth—is animal-to-animal contact. Self-evidently, that is the biggest threat. Each outbreak is different, with different species, different transmission mechanisms and different patterns. In foot-and-mouth, airborne spread is generally important, although it has not been such an important factor in this outbreak.

Public enemy No 1 is animals. Public enemy No 2 is livestock vehicles. Unless they are thoroughly cleansed and disinfected, they pose a real risk. Public enemy No 3 is the movement of people. That has been important in this outbreak. Primarily because of the nature of the agriculture industry, we have had packets of animals here and packets of animals there, often out on other farms. Naturally, farmers want to go out and check and feed the animals. If inspection is introduced, people will—unless they are scrupulous with their biosecurity and, in particular, their cleansing, disinfection and protective clothing—readily carry the virus around. Those are the main factors.

Stewart Stevenson: This might seem a silly question, but if the human being is a substantial potential vector of the disease, should not we confine the human being for 21 days as well? That puts into context how the farmers feel about the 21-day restrictions on their beasts.

Leslie Gardner: We are talking about a scale of risk that varies as the disease goes on. There is zero risk from a human being from the middle of Glasgow walking across a hill. However, a farmer who has an animal that is infected by foot-and-mouth disease poses a huge risk during an outbreak. That risk diminishes as soon as the farmer has cleansed and disinfected the premises and himself, as long as he does not expose

himself to infected stock. The risk of a human being carrying the disease is purely mechanical. The virus is not hugely resistant, but it will contaminate feet and clothes and is highly contagious. If the farmer handles his animals, or is in close proximity to them, the virus will get on his clothes. If he then handles other animals, he will definitely transmit the disease.

The Convener: With respect, we are starting to cover ground that we covered eight or nine months ago. Given the short time that is available to us, it would be helpful if members would restrict their questions to the paper that is front of them.

Mr McGrigor: I would like to add my voice to those who have said that the 21-day rule is making life difficult for farmers—particularly for store farmers, who have an opportunity for selling or buying that is only 10 weeks long.

Tagging sheep individually scares a great many sheep farmers—particularly hill farmers—because it might take them down the road of having to trace animals back to the mother. They believe that it would be impossible on an extensive hill farm as sheep lamb outside, miles from anywhere. Traceability would be almost physically impossible as, once they gathered in the sheep, they would have to spend three days or a week identifying which lamb belonged to which mother. Can you reassure me that that route will not be followed?

The other point about individual tagging is that buyers have been put off buying store lambs because of the batching of animals that are sold on. Is individual tagging really necessary? I see the point about its use when sheep are being taken away for slaughter, but that does not happen to store lambs. Surely the flock tag would be enough.

David Dickson: The proposals that will apply from 1 February and that are being discussed with the industry are different from the regime that operated during the foot-and-mouth outbreak. It is not our intention to identify animals back to their mothers, although there is an issue about whether an individual number should be placed on the back of the tag, which could be done easily and which might conceivably help our exports. All the rest of the process was designed simply to aid identification of the animals as they go through the supply chain and to aid tracing and security at a later stage.

We have come from a slightly different perspective. It is fair to admit that, in the heat of foot-and-mouth disease, we decided to go for a system of individual tags and noting of numbers as there was a possibility that that might have made the difference between getting back and not getting back into the export market. As it turns out, we have managed to negotiate a better deal than

we thought we would achieve. Therefore, we do not need to trace the numbers back to the individual flocks and individual tracing will go at the end of January. It was introduced as a hedge against its being a condition of entering the export market. We went for that proposal whereas the English did not. It turned out that they were right, but we were determined that if that was the price we had to pay, we would have something in place to ensure that Scots lamb could be exported.

Fergus Ewing: Because the symptoms of foot-and-mouth disease are easier to spot in cattle than in sheep, would not it be sensible to have a shorter period for cattle?

Leslie Gardner: There is clearly some logic in what you say. In our experience of this outbreak, the symptoms in cattle have not always been as obvious as you suggest. We have slaughtered some herds of cattle and, when we have examined the animals, found longstanding or longer-standing disease, so perhaps the situation is not quite as straightforward as you suggest. That is one of the factors that we will examine in the range of issues surrounding the 21-day rule.

Fergus Ewing: Could you amplify what you mean by longstanding or longer-standing?

Leslie Gardner: There were some cases where the primary source of disease was cattle, but it was not cattle that presented with symptoms. That is to say, we saw the second wave of symptoms, not the first wave. We are talking about two disease cycles, rather than identifying the animals in the first cycle.

Fergus Ewing: That is interesting.

Leslie Gardner: But having said that, I accept the point that you make.

Fergus Ewing: I had thought that the symptoms were manifest at an earlier stage in cattle than in sheep.

Leslie Gardner: You are absolutely right, but like everything in science, nothing is ever cut and dried.

Fergus Ewing: I have one other point. According to *The Scottish Farmer* a SEERAD spokesman said that the 21-day rule could remain in place until next autumn. Was that said by a SEERAD spokesman? Is it true? If so, would not that spell commercial disaster for many small farmers in particular?

David Dickson: There are two points. First, the 21-day rule was not an unqualified rule. That point goes over the same ground that we have gone over in this discussion—that the 21-day rule is for discussion with the industry. The sort of issues that you have brought up, such as whether we could have different arrangements for sheep and

cattle and whether we should bother with pigs, given that there is already a rule for pigs, will be discussed with the industry. We will also discuss whether there should be special arrangements for buying in tups. The reference to the autumn was to the hopeful but realistic time scale for the possible outcome of the inquiry. That is why it was mentioned.

Fergus Ewing: So if the inquiry is delayed beyond the autumn, the lifting of the 21-day rule will be delayed even further.

David Dickson: The minister will have to take a view on that. We are trying to negotiate with the industry to get an arrangement that is manageable and sound from a veterinary standpoint, and which can operate in the medium term until we have the outcome of the investigation to which Leslie referred.

Mr Morrison: I thank Mr Gardner and all the veterinary experts who have so capably handled the emergency situation that we have had to deal with over the past few months. I thank not only the veterinary experts, but the many other officials and individuals who have been involved.

I concur with many of the sentiments that have been expressed about the 21-day rule; it is debilitating and it is causing concern. I sincerely hope that when the minister does get round to taking a view, science, as opposed to the timetable of any inquiry, will inform the basis on which the 21-day rule is applied.

I wish to address the issue of biosecurity at markets from an island perspective. I appreciate that people have to exercise caution—rightly, that has been stipulated by animal health officials—but in the context of islands, where animal movements in and out are well documented and controlled, the biosecurity measures at markets were costly, time consuming and pointless. I hope that the officials will convey to the minister the feelings in islands. It is obvious that people want to comply with measures and do not want to do anything that will endanger their livelihoods or the security of their stock, but the over-zealous approach to biosecurity at markets has to be addressed, particularly from an island perspective.

Leslie Gardner: We must consider the context in which the biosecurity rules were introduced. There was still lots of active disease in Great Britain Ltd. The threats that we perceived from opening markets was not from Scottish animals or people on islands. We perceived the possibility of human vectors carrying disease into a market environment. That was why the biosecurity measures were introduced in markets. I know that they were apparently rigorous.

16:00

Mr Morrison: I do not have any difficulty with that. Anyone who attends the marts appreciates why the measures were put in place, but in an island context, when islanders are buying animals from fellow islanders and there is free movement of animals around islands, it is ludicrous that costly biosecurity measures continue to be applied. I ask that you convey the clear message to the minister that it is time consuming, costly and pointless, from a scientific perspective.

Leslie Gardner: The principle of having a market, whether it is on an island or in Timbuktu, is the same. You gather animals from all over the country and disperse them. If there is no biosecurity, for example if there is inadequate cleansing and disinfection of vehicles and markets between separate market sales and poor structural standards in markets, there is no opportunity to break the cycle of infection. I agree with Alasdair Morrison that the risk of an island becoming infected with foot-and-mouth disease is low relative to a mainland site, but it can happen. It is necessary to have a level of biosecurity to ensure that there is a break in any disease cycle. We are not talking only about notifiable disease. We are also talking about diseases such as salmonella, which can be transferred within a market unless biosecurity measures are in place that will introduce a break in the disease.

The Convener: The alternative is what happened this year in the earlier tup sales and lamb sales on mainland Scotland. Rather than bring lambs to the market, people were traipsing from farm to farm, all over Scotland, in the search for replacement stock. I cannot believe that that was more biosecurity friendly than taking the livestock to the market. Whenever those regulations and rules are examined, we must consider what the alternative might be for businessmen who are desperate to replace their livestock.

Leslie Gardner: We have recognised in the proposals outlined by Mr Dickson that the cycle of foot-and-mouth disease in this country is, we hope, over. By Christmas, we hope to have had 90 days' freedom from infection in the UK. Officially, in OIE terms, we would then be free of disease. It would seem appropriate to ramp down the level of biosecurity, not completely, but down to what we regard as a practical operating level. I understand the points that you are making.

The Convener: I am aware that Mr Gardner has to catch a plane to Brussels. I do not know whether he can bear with us any longer. I was told that he would have to leave at 4 o'clock. Can Mr Dickson stay for a while?

David Dickson: Yes.

The Convener: I know that one or two members have supplementary questions. We understand if Mr Gardner feels that he must go.

Leslie Gardner: I will answer Mr McGrigor's point. The purpose of animal identification is to trace animals, as will be obvious to the committee. The problem that we have had in this disease outbreak is tracing sheep. They are woolly, have four legs and all look like each other. It is extremely difficult. Consider the 43,000 animals that have gone through Longtown market: it has been impossible to trace those animals on the basis of flock marks. The committee has seen the effects of that.

In an ideal world, every animal would be individually tagged and identified in every movement. We recognise that that is not a practical option, at least not until electronic identification is available. The measures that have been proposed for introduction in the new year are intended to retain an enhanced level of traceability while making the system more user friendly. You will not have to identify the sheep and you will not have to read the numbers. That is the purpose.

The Convener: Thank you. Members with supplementaries should aim them principally at Mr Dickson.

Richard Lochhead: In a letter of 6 November, Ross Finnie told me that risk assessments on the 21-day rule were under way. What stage will they be at when they are published?

Farmers' leaders are telling me that they think the Scottish Executive is being pressured by Whitehall into keeping the 21-day rule. Is Whitehall bringing any influence to bear on the Scottish Executive in that regard?

The Convener: Before you answer, Mr Dickson, I thank Leslie Gardner for coming and wish him a safe trip to Brussels.

David Dickson: We have commissioned two main risk assessments. One was by the Veterinary Laboratory Agency and the other was into the economic impact. Both should be available soon. I had rather hoped that they would be available for the meeting I have tomorrow. Whenever we can, we will make them available.

On whether we are being pressured by the Department for Environment, Food and Rural Affairs on the 21-day rule, the minister has made it clear—he made it clear to Lord Whitty when he was in Scotland—that any decision for Scotland will be taken in Scotland. That is the minister's position; our position is exactly the same.

On the other hand, we are conscious that there are farmers on either side of the Tweed—in fact, the Tweed splits some farms—so in some respects we must have some regard to what

happens south of the border as well. We are working with our colleagues down south, who are a good bit behind us on decoupling their system. They have not even had sales yet. The discussions that we are having with our industry are very much on the basis of what will suit the Scottish industry. I know the Scottish industry well enough to know that it will influence its colleagues down south, so I suspect that we will end up at the same point anyway. However, our starting point is very much a Scottish position. At some point, we have to take account of the fact that 20yd of water sometimes separate the two countries. We would like to think that we will get some kind of sensible outcome to this.

Mr Rumbles: If things remain as they are, you will go to the EU at the end of January to say that the emergency is over and that it should recognise the disease-free status throughout Great Britain. The 21-day rule was put in place under emergency regulations, which are difficult to explain to my constituents. The emergency will be over by the end of January. Does the minister have the power to decide, outside of an emergency, to carry on with emergency regulations without recourse to Parliament?

David Dickson: I thought that I had explained—I apologise if I have not—that there are two parts to this question. The first part is whether there is power to make general legislation under the Animal Health Act 1981, which contains provisions that can be used. The second part is that any controls that go beyond the end of January will be subject not to the emergency provisions but to the general powers in the 1981 act. The minister will come forward with proposals. As for the justification for some form of 21-day rule—which, as we have explained, will be subject to negotiation and debate and goodness knows what else—you heard my learned colleague's view from a veterinary standpoint. The minister has to take account of the veterinary advice that he receives, which is that, given the disease situation in this country, with the susceptibility of imports, for example, some measure would be prudent in the medium term, at least until we get wider advice.

Mr Rumbles: You seem to believe that an existing act gives the minister a general power to do what you suggest. The public perception is that the emergency is over but that emergency regulations are still in force. Are you saying that you will come back to this committee, or the Parliament, to ask for further authority?

David Dickson: We will ask for that not under the emergency powers, but under the 1981 act.

Mr Rumbles: I am concerned that someone might take legal action over this matter because the emergency is over. Therefore, the legislative position must be absolutely clear.

David Dickson: We hope that the emergency will be over by the end of January. We want to use the general powers of the 1981 act to introduce legislation that is based on the veterinary advice that we have received and that will deal with perceived situations.

The Convener: I think that I cut off my colleague Jamie McGrigor as he tried to ask a supplementary question. I ask him whether he wants to speak again.

Mr McGrigor: The Executive's stakeholder update of 6 December states:

"Second movements of store and breeding sheep will be allowed from 1st November."

I presume that that refers to next November.

David Dickson: No. That refers to November past. I apologise for that. We produce a regularly updated digest to keep track of the complex system, which only civil servants could devise.

Mr McGrigor: Some of the old auction markets, such as the ones at Lairg and Dalmally, are still closed because, for example, they have cracks in their concrete or still have wooden pens. Will those rules be relaxed as foot-and-mouth disease gets—I hope—further and further away?

David Dickson: Yes. The provisions that apply to markets—they are set out in conditions that are linked to the licensing of markets—are a lot tougher than those in the annexe to the stakeholder update, which is being discussed with the Institute of Auctioneers and Appraisers in Scotland. The annexe is not the final word. There is a reference to wood:

"However, it will always be regarded as inferior to properly maintained metal and concrete fixtures."

My colleague could speak about that. Whether markets such as Lairg, given its role every August, could function is an issue that must be thoroughly examined. We are not saying no, but the issue is being debated with the auctioneers; the outcome will depend on factors such as how frequent the markets are.

The Convener: The 21-day rule—or the 20-day rule—is specifically designed to prevent the spread of the disease. A further outbreak of the disease would, I presume, be followed by a quicker, total ban on all livestock movements, which did not happen in this outbreak. Someone has already acknowledged that foot-and-mouth was an imported disease, as would be the case if there were a further outbreak. What would the Scottish Executive's role be in such a case? Indeed, what is it doing to ensure that we do not import foot-and-mouth disease again?

David Dickson: The Executive is not responsible for import-export provisions. Mary

Bradley will confirm whether I am right about that.

Mary Bradley (Scottish Executive Environment and Rural Affairs Department): Those provisions are negotiated on a Great Britain basis.

David Dickson: However, we want the inquiries to consider what controls we need over imports and how those controls can be enforced. The Executive would consider the Scottish dimension of any recommendations, particularly those about ports through which imports could enter. However, the whole area needs thorough review. We are not doing that at this stage because it is the job of the inquiries.

The Convener: That is interesting, because the next item on the agenda concerns a statutory instrument on import and export restrictions in relation to foot-and-mouth.

David Dickson: That is a different measure and my colleague Mary Bradley will deal with it.

The Convener: Members have no more questions so I thank you for your time. The debate was useful, even though it was shorter than it might have been.

Subordinate Legislation

Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No 3) Regulations 2001 (SSI 2001/429)

The Convener: While Mary Bradley is with us, we will move to item 6 on the agenda, which is the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No 3) Regulations 2001 (SSI 2001/429). No members have indicated a wish to speak about the regulations. Mary Bradley looks relieved at that. We thank her for her time and attendance. Are members content with the regulations?

Members *indicated agreement.*

Petitions

16:15

The Convener: Agenda item 4 is to consider a paper on the petitions that are before the committee. This is a housekeeping exercise. I have considered the briefing on the petitions and I think that one or two of them can be put to rest.

Raptor Predation (PE8)

The Convener: The first petition is PE8, from the Scottish Homing Union, on raptor predation. The petition was originally grouped with PE187, but I would like to treat them separately. Elaine Murray and I were appointed as reporters to the Transport and the Environment Committee, which originally dealt with the petitions.

Many of the Transport and the Environment Committee's questions and queries have been answered through a working group that was put together by Alex Neil, who performed an admirable task in getting the Scottish Homing Union and Scottish Natural Heritage around the same table. They agreed to a research project that will be partly funded by both organisations. SNH had a considerable part in dealing with some of the Scottish Homing Union's concerns. I feel comfortable in suggesting that we note the petition and look forward to a positive conclusion from the research work that will be undertaken by SNH and the Scottish Homing Union. Do members agree to that suggestion?

Members indicated agreement.

Raptors (Licensed Culling) (PE187)

The Convener: Petition PE187 is from the Scottish Gamekeepers Association. Members received a substantial e-mail last week, which voiced the SGA's considerable dissatisfaction that PE187 was lumped together with PE8. I have some sympathy with that.

Fergus Ewing: It is late in the afternoon and I do not want to go through all the substantive issues, because PE187 is on the Transport and the Environment Committee's agenda for tomorrow. However, I feel strongly that the petitioners so far have not received a proper hearing by the Parliament. There is a huge number of unresolved issues, many of which are of substance and could constitute a barrier to the success of integrated rural development. I suggest that we postpone consideration of the matter until we find out what the lead committee—the Transport and the Environment Committee—decides. Rather than having a lengthy kick of the ball today, which might not be relevant, we should come back to the issue next week or at an appropriate time.

The Convener: I whole-heartedly agree. Does anyone disagree?

Mr Rumbles: I do not disagree, but I have a point. If the matter is to be put on a future agenda, can members have the details and papers again? Apart from its title, the petition is not mentioned in the briefing.

The Convener: That is a fair comment and it is noted.

Scottish Quality Beef and Lamb Association (PE138)

The Convener: Petition PE138 is a long-standing petition on which Richard Lochhead—who seems to have left the meeting—and I were appointed as reporters. We tried on several occasions to have a meeting with Quality Meat Scotland—as the organisation is now called—but foot-and-mouth and various other factors put paid to that and we never managed to have one. However, the chairman of QMS wrote to the committee offering to make a full presentation of the organisation's work and the agenda that it has identified in its early days. My recommendation is that we take the chairman up on that offer and invite him to make a presentation to the committee at the first meeting that time will allow, which will probably be around 12 February. I invite comments.

Fergus Ewing: That is a sensible suggestion. I add that, in the interests of balance, we should provide an opportunity for Mr Wood, the petitioner, to be heard on that day. We should hear what he has to say, too.

The Convener: As the petition was from Mr Wood, I find that suggestion difficult to disagree with. Are members happy that we should take evidence on petition PE138 on Tuesday 12 February?

Members indicated agreement.

Foot-and-mouth Disease (Public Inquiry) (PE386)

The Convener: Petition PE386 is from Les Ward, on behalf of Advocates for Animals. Unusually, Mr Ward and I are in total agreement on the petition. Advocates for Animals is asking for an independent public inquiry into all aspects of the foot-and-mouth outbreak. We had a debate on the matter in the Parliament and made our views known, but we did not have a vote on the debate. My view is that we should note the petition, given most of the questions that we put during the debate. I feel that, for the time being, the matter has been laid to rest. If members want to disagree with that, they should feel free to do so.

Stewart Stevenson: I am not disagreeing, but I ask whether, given that a Tory motion initiated the debate, your colleagues have come to a view on how that may be brought to a conclusion.

The Convener: I intend to raise a point of order on that topic either tomorrow or on Thursday. I will write to the Presiding Officer informing him of my intention to do so. The matter has been the cause of some procedural difficulty and it is only fair to give him warning. I would like to press the matter to a conclusion, given that we are coming up to the recess.

Are members happy to note petition PE386 on that basis?

Members *indicated agreement.*

Meeting closed at 16:22.

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