

# **MEETING OF THE PARLIAMENT**

Wednesday 31 May 2006

Session 2

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## Scottish Parliament

*Wednesday 31 May 2006*

[THE PRESIDING OFFICER *opened the meeting at 14:00*]

### Time for Reflection

**The Presiding Officer (Mr George Reid):** Good afternoon. The time for reflection leader this afternoon is the Right Rev John Cunningham, the Bishop of Galloway.

**The Right Rev John Cunningham (Bishop of Galloway):** On his way home from Sunday mass, a man unexpectedly met some friends he had not seen for years. One thing led to another and they finished up having a drink together. When the man eventually got home, he was confronted by his wife. "What on earth kept you?" she demanded. "It was the priest," the man replied. "He preached a very long sermon about sin." "What did he have to say about it?" rejoined the wife. "I think he was against it," answered the man.

There are a number of things in this life that we can safely assume everyone is against: poverty, famine and disease, for example. However, for the most part, we do nothing to eliminate them. It is not that we do not care. We do care and we show that we care in the generosity with which we respond when we are confronted with television pictures of diseased and starving children, for example. However, deep down, we do not believe that there is anything that we can do personally to change the circumstances that cause these things.

I would like to read you a short passage from the book of the Acts of the Apostles, chapter 2, verses 42-47:

"Those who were baptised remained faithful to the teaching of the Apostles, to the community, to the breaking of bread, and to the prayers. The faithful all lived together and owned everything in common; they sold their goods and possessions and shared out the proceeds among themselves according to what each one needed. They went out as a body to the Temple each day, but met in their houses for the breaking of bread; they shared their food gladly and generously; they praised God and were looked up to by everyone."

By remaining faithful to the beliefs and practices of their faith and by working together as a community, the early Christians had a tremendous effect on the world in which they lived. Last year, the make poverty history campaign captured the imagination of the public. The response was impressive. People of many different faiths and none turned out in their thousands to demonstrate here in Edinburgh. They literally put a ring around the city.

I will conclude with a prayer for justice and peace.

God our Father, you reveal that those who work for peace will be called your sons. Help us to work without ceasing for that justice which brings true and lasting peace. We ask this through Christ our Lord.

Amen.

## Business Motion

14:03

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of business motion S2M-4471, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Animal Health and Welfare (Scotland) Bill.

*Motion moved,*

That the Parliament agrees that, during Stage 3 of the Animal Health and Welfare (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time-limits indicated (each time-limit being calculated from when the Stage begins and excluding any periods when other business is under consideration or when the meeting of the Parliament is suspended, other than a suspension following the first division in the Stage being called or otherwise not in progress):

Groups 1 and 2: 30 minutes

Groups 3 to 6: 45 minutes

Groups 7 and 8: 1 hour 30 minutes

Groups 9 to 11: 1 hour 55 minutes

Groups 12 to 15: 2 hours 10 minutes.—[*Ms Margaret Curran.*]

*Motion agreed to.*

## Animal Health and Welfare (Scotland) Bill: Stage 3

14:04

**The Presiding Officer (Mr George Reid):** The next item of business is stage 3 proceedings on the Animal Health and Welfare (Scotland) Bill. In dealing with amendments, members should have the bill as amended at stage 2—that is, SP Bill 47A—the marshalled list, which contains all amendments that have been selected for debate, and the groupings that I have agreed.

The division bell will sound and proceedings will be suspended for five minutes before the first division of the afternoon. The period of voting for that division will then be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. All other divisions will be 30 seconds.

I refer members to the marshalled list.

### Section 1—Slaughter for preventing spread of disease

**The Presiding Officer:** Group 1 is on the conditions for the exercise of the power of slaughter. Amendment 1 is grouped with amendments 9, 2, 3, 14 and 14A.

**Rob Gibson (Highlands and Islands) (SNP):** The power to order the slaughter of livestock, wild animals and companion animals is a serious power to put in the hands of Government. The power has been used carefully and proportionately in the past, but we can always learn from previous experience. Amendment 1 would provide a safeguard to ensure that the powers of slaughter are not misused or used in error, by including in the bill a requirement to consider veterinary and scientific advice.

There was much debate in the Environment and Rural Development Committee about the need to take such advice. Amendment 1 would include a simple statement on the matter in the bill, because there is no reason not to do so. By agreeing to amendment 1, we would acknowledge concerns that were expressed during the outbreak of foot-and-mouth disease. Many witnesses told the committee that aspects of the approach to that outbreak are now considered to have been unnecessary and that some culling could have been avoided if scientific and veterinary advice had been taken and interpreted differently.

In its stage 1 report, the committee said on the powers of slaughter:

“the Committee considers it important that stakeholders are both involved and seen to be involved before decisions are made.”

Ross Finnie told the committee:

"It is inconceivable that a minister would exercise a random power of slaughter without taking advice".—[*Official Report, Environment and Rural Development Committee*, 11 January 2006; c 2620.]

However, the Deputy Minister for Environment and Rural Development told the committee that at the point of an initial outbreak the powers of the Animal Health Act 1981 would enable ministers

"to deal with most fast-spreading diseases."—[*Official Report, Environment and Rural Development Committee*, 15 March 2006; c 2859.]

Amendment 1 would enable ministers to adopt a proportionate response to an outbreak of disease. Parliament would also have a role. We could learn from the contingency plans of other countries, on avian flu for example.

We acknowledge that scientists and veterinary surgeons can give conflicting advice and believe that we can increase stakeholders' confidence in section 1 by ensuring that there can be better communication than there was in the 2001 foot-and-mouth disease outbreak.

The other amendments in the group seek to achieve the same objective as amendment 1. We will listen to members' arguments for those amendments.

I move amendment 1.

**The Presiding Officer:** I have only one name on my screen, but I suspect that more members want to contribute to the debate on group 1. Please press your request-to-speak buttons. There are time constraints and I must do my sums.

**Mr Ted Brocklebank (Mid Scotland and Fife) (Con):** Amendment 9 would include in the bill a requirement for ministers to take

"appropriate veterinary and scientific advice."

It is similar to amendment 1, which Rob Gibson lodged, and I will not go over the ground that he covered.

The Minister for Environment and Rural Development assured the committee that it was "inconceivable" that he would cause animals to be slaughtered without taking appropriate veterinary and scientific advice. I have no reason to doubt the minister's word, but that is not the point. Ross Finnie is an honourable man and his deputy is an honourable woman, but it is not inconceivable—albeit that it is difficult, given how elections are organised—that there could be an Executive of a different hue and that different ministers could be running affairs. We should cover such eventualities.

There is no reason why the requirement to take appropriate veterinary and scientific advice should

not be included in the bill. What is the problem? If it is inconceivable that the minister would ever take such action without first consulting vets and scientists, why not simply put a requirement to do so in the bill?

Like Rob Gibson, I acknowledge that the other amendments in the group are along the same lines as our amendment 9. If any of them are accepted, we will be happy not to move our amendment. However, until we hear good arguments from the minister for why he consistently refuses to put such a requirement in the bill, despite the fact that the Environment and Rural Development Committee urged him to do so, we will call for that requirement.

**Mr Mark Ruskell (Mid Scotland and Fife) (Green):** In many ways, the bill is an excellent one, but it is let down by the provision of seemingly limitless powers to ministers to slaughter animals. That contrasts with the situation in England and Wales, where statutory requirements are in place for contingency plans and slaughter protocols. The bill will not create such requirements. For the reasons that Rob Gibson and Ted Brocklebank spelled out, we need veterinary and scientific advice. The only point on which the Executive has conceded is on the requirement, proposed in Maureen Macmillan's amendment 14, for a statement to be made when the slaughter powers are to be used. The statement, as described in amendment 14, would be about the events, the disease, disease control and why ministers had chosen to slaughter animals. That would be useful, but it would not have to cover much more than that. For example, ministers would not have to say what advice they had been given or what procedures had been followed. Under Maureen Macmillan's amendment 14, the provision of that information would be only voluntary. The amendment would not require ministers to provide information on important aspects that need to be considered during a disease outbreak.

I am concerned that ministers will open themselves up to judicial review of whether they acted unreasonably during a disease outbreak. In presenting her slaughter statement amendment, Maureen Macmillan will no doubt say that she does not believe in lists, because something always gets missed out. I am sorry, but I do not believe in blank sheets of paper. If the statement is to be meaningful, it must add to our scrutiny. The statement must have key statutory elements if we are properly to scrutinise ministerial decisions to slaughter animals.

**Maureen Macmillan (Highlands and Islands) (Lab):** I feel as though I am taking part in a beauty contest to decide which is the best way of reassuring the public that an appropriate decision

has been made on controlling disease when ministers exercise their power of slaughter rather than, for example, order vaccination. My suggestion is in amendment 14, which proposes the introduction of a new section 32F in the Animal Health Act 1981. My Environment and Rural Development Committee colleagues will recall that ministers agreed at stage 2 to reflect further on the concerns that I and others expressed about the importance of transparency in giving an understanding of how any decision to use the new slaughter powers was reached. It is important that such a decision should be presented before the slaughter takes place. In my view, amendment 14 would satisfy those concerns.

I will explain why. Any consideration of the use of the slaughter powers in proposed new schedule 3A of the 1981 act would be a matter of significant public interest at a time of disease emergency. The risk of disease spread will be an important factor in considering appropriate measures to deal effectively with the outbreak. Opinions will no doubt vary on those measures—that is a natural facet of an emergency—but, ultimately, it is ministers' responsibility to take difficult decisions, including that on whether to slaughter animals or birds beyond the immediate disease-risk zones. That action may be key to enveloping and controlling the outbreak. It is inconceivable that the minister would not take the appropriate advice beforehand. I hear what Ted Brocklebank says about that. Perhaps he is thinking of the day when, by some awful chance, a Tory minister might be in charge of disease control—never.

Amendment 14 will require ministers, before exercising the additional slaughter powers under schedule 3A, to set out, in a statement, the circumstances giving rise to the decision and why additional slaughter powers are to be used. The format and detail of such a statement can best be determined at the time and in the light of the particular circumstances. Amendment 14 allows for that to be done. I do not believe in constraining things too closely.

The same requirement to make a statement will also apply in the event that the proposed new section 16B power of slaughter of vaccinated animals or birds to obtain or to contribute to obtaining disease-free status is to be exercised.

I commend amendment 14 to the Parliament. It provides for transparency in any decision to exercise the new slaughter powers.

14:15

**The Presiding Officer:** Mr Lochhead, I will call you, if you can be up and down in two minutes.

**Richard Lochhead (Moray) (SNP):** I can do it in 10 seconds if you wish, but I will take my two minutes.

There is an element of *déjà vu* here, in that many of these debates were rehearsed at stage 2. The arguments were won by the members who lodged similar amendments, but at the end of the day we lost the vote. We all recognise that a balance must be struck. The minister should have sufficient powers to act quickly and robustly in the event of a disease outbreak in Scotland, but we must ensure that checks and balances are in place. The Environment and Rural Development Committee's stage 1 report said that the bill should mention explicitly that the minister should take the appropriate advice, as laid out in the various amendments.

I remind members that the stage 1 report said:

"These new powers, therefore, provide for the slaughter of animals that may not be affected, suspected, exposed or in contact with disease."

We are giving the minister an enormous power, without any checks or balances in the bill. The minister will be able simply to issue an order to slaughter wild animals, companion animals and animals that have not come into contact with disease or shown any evidence of disease. That is a wide-ranging power.

The minister could order the slaughter of wild animals, which could have an impact on biodiversity or rare breeds. I ask members to imagine the public backlash in Scotland if that went ahead without reassurance to the public that the appropriate advice had been taken. That is a crucial element of the bill.

Even if we do not agree to the other amendments in the group, we should agree to amendment 14. Maureen Macmillan lodged a similar amendment at stage 2, which she withdrew because the minister, Rhona Brankin, said that she would lodge an amendment to cover the issue. There is no such amendment. Therefore, if the main amendments—which, although better than amendment 14, may not find favour with the coalition parties—fail, I take it that the Government will support amendment 14.

**The Minister for Environment and Rural Development (Ross Finnie):** I make it clear at the outset that I recognise that the powers are wide. Ted Brocklebank is right—this is not about me, Ross Finnie; it is about an act that provides for how ministers should conduct themselves, whoever they may be and whichever party they are from.

I understand perfectly what Mark Ruskell, Ted Brocklebank and Rob Gibson are saying, but I continue to have difficulties with it. They say that the amendments are simply about taking advice,



but a minister in the middle of an emergency must be accountable to Parliament. The power is not an absolute power, because ministers must justify their actions in the light of the requirements of the Animal Health Act 1981. Ministers can only exercise those powers if they can demonstrate that they are aimed at controlling disease. To start specifying in the bill a general category of veterinary and scientific advice would lead us to the position that Mark Ruskell was trying to avoid in which those who are generally opposed to such control might seek judicial review and argue about the interpretation of "advice". That is where we get into dangerous territory.

I am clear that the minister must be responsible to Parliament and that he must exercise the duties of care required under the 1981 act. Having reflected further and having discussed those matters at some length, I believe that transparency in the use of the powers is at the heart of the matter. Therefore, for reasons slightly different from those enunciated by Richard Lochhead, I believe that amendment 14, which would place a requirement on ministers to make a statement on why action should be taken before exercising the powers, provides a transparent explanation on which Parliament would then have an opportunity to question the minister. That is important, which is why we will be supporting amendment 14.

**Margo MacDonald (Lothians) (Ind):** Will the minister give way?

**The Presiding Officer:** He is in his last minute, I am afraid.

**Ross Finnie:** I cannot support the other amendments. I think that binding ministers to a statutory obligation to narrate the types and forms of advice gets us into a debate about the state veterinary service. I point out that ornithologists were among those with whom we had extensive discussions in relation to bird disease.

I understand the motives behind the wish to tie the minister down in the way that is suggested. However, people must think carefully about what they are trying to achieve. The minister must satisfy the requirements of the Animal Health Act 1981. He can exercise the powers only after disease has been established and only when he is able to demonstrate that he is using the powers for the explicit purpose of controlling disease. If we agree to Maureen Macmillan's amendment, the minister will be required to state before Parliament his justification for taking action under the 1981 act and how he has come to a view on that justification.

On that basis, I hope that members will support Maureen Macmillan's amendment and reject the other amendments.

**Rob Gibson:** Many of the lobbying organisations consider that my amendment 1 is worth supporting. We have been talking about a proportionate response, the way in which the minister interprets the scientific advice and the potential for conflict. It is essential that Parliament be tested in that regard and I ask that people support the amendment in my name.

**The Presiding Officer:** The question is, that amendment 1 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. As this is the first division, there will be a five-minute suspension.

14:22

*Meeting suspended.*

14:27

*On resuming—*

**The Presiding Officer:** We will now proceed with the division.

**FOR**

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kane, Rosie (Glasgow) (SSP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)

Petrie, Dave (Highlands and Islands) (Con)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, John (Ayr) (Con)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

#### AGAINST

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

Wilson, Allan (Cunninghame North) (Lab)

**The Presiding Officer:** The result of the division is: For 52, Against 56, Abstentions 0.

*Amendment 1 disagreed to.*

*Amendment 9 moved—[Mr Ted Brocklebank].*

**The Presiding Officer:** The question is, that amendment 9 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Robison, Shona (Dundee East) (SNP)  
 Scott, John (Ayr) (Con)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

#### AGAINST

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 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)

Curran, Frances (West of Scotland) (SSP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fox, Colin (Lothians) (SSP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kane, Rosie (Glasgow) (SSP)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)

**The Presiding Officer:** The result of the division is: For 43, Against 60, Abstentions 6.

*Amendment 9 disagreed to.*

*Amendment 2 moved—[Mr Mark Ruskell].*

**The Presiding Officer:** The question is, that amendment 2 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kane, Rosie (Glasgow) (SSP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, John (Ayr) (Con)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

#### AGAINST

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)

Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Presiding Officer:** The result of the division is: For 52, Against 61, Abstentions 0.

*Amendment 2 disagreed to.*

*Amendment 3 not moved.*

### After section 2

*Amendment 14 moved—[Maureen Macmillan].*

*Amendment 14A moved—[Mr Mark Ruskell].*

14:30

**The Presiding Officer:** The question is, that amendment 14A be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### For

Adam, Brian (Aberdeen North) (SNP)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fox, Colin (Lothians) (SSP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Kane, Rosie (Glasgow) (SSP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

### Against

Aitken, Bill (Glasgow) (Con)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley)

(Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Tosh, Murray (West of Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Presiding Officer:** The result of the division is: For 37, Against 75, Abstentions 0.

*Amendment 14A disagreed to.*

**The Presiding Officer:** The question is, that amendment 14 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Adam, Brian (Aberdeen North) (SNP)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)

Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fox, Colin (Lothians) (SSP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kane, Rosie (Glasgow) (SSP)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)

Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Tosh, Murray (West of Scotland) (Con)

#### ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)

**The Presiding Officer:** The result of the division is: For 96, Against 14, Abstentions 1.

*Amendment 14 agreed to.*

**The Presiding Officer:** I am afraid that we have only three minutes left for group 2. I therefore ask the Minister for Parliamentary Business whether she is prepared to move a motion without notice under rule 9.8.5A to extend the time limit by 10 minutes. That will leave time in hand for later. Do we agree to take a motion without notice?

**Members indicated agreement.**

*Motion moved,*

That, under rule 9.8.5A, the time-limit for groups 1 and 2 be extended by 10 minutes.—[*Ms Margaret Curran.*]

*Motion agreed to.*

#### Before section 3

**The Presiding Officer:** Group 2 is on a national contingency plan. Amendment 45, in the name of Mark Ruskell, is the only amendment in the group. I ask for speeches of no more than three minutes, please.

**Mr Ruskell:** Amendment 45's purpose is to bring Scotland into line with the other countries of the United Kingdom by ensuring that our contingency plan has a statutory basis. We need a statutory framework, which must be flexible. We need due process, because we cannot rely for ever on old Uncle Ross or, indeed, Ted

Brocklebank to make decisions in the future. We need a light and flexible statutory framework that works and keeps everybody right.

Unfortunately, the recent avian flu contingency plan does not mention the organic farming bodies. Organic poultry producers were not consulted on it, although they are key stakeholders that would be affected by a disease outbreak. We need due process. We need a process that considers how we produce contingency plans, how they are laid before Parliament, how they are consulted on and how they are published. Surely that is not too much to ask. That is best practice in the rest of the UK.

We do not want the minister to be challenged—as he rightly was in 2001—in the middle of a disease outbreak because people believe that he has acted unreasonably by not having a framework for operating with a contingency plan. We need flexibility and due process. I ask members to ensure that we get that by voting for amendment 45.

I move amendment 45.

**Ross Finnie:** I am not sure whether Mark Ruskell understands precisely what he calls for. He says that he wants flexibility, but his amendment 45 calls for all the diseases that are specified in section 32E of the Animal Health Act 1981 to be dealt with in a single contingency plan. Perhaps he wishes us to align ourselves with other countries in the United Kingdom, but we are here in Scotland, and our agriculture and poultry industries have found it much more helpful to have separate contingency plans for foot-and-mouth disease, Newcastle disease, avian influenza and other exotic diseases. Those plans have been welcomed by the industry, which has been clear that it would prefer to have individual plans that deal with specific circumstances that might arise and for which we ought to plan.

Review under a contingency plan is not the issue. People's actions can be reviewed only in terms of whether they have properly complied with a law. Amendment 45's rigid requirement for all the diseases under section 32E of the 1981 act to be brought into a single plan is not how the industry in Scotland wishes us to proceed.

Let us be clear about the organic sector. We supported the exemption of organic producers from avian influenza measures after consulting them, and we were among those who successfully lobbied the European Union to change the regulations in that regard. Our plans did not prevent us doing that.

I urge members to reject amendment 45.

**Mr Ruskell:** I am not sure how the minister knows that the whole industry is behind his

approach, because he has clearly not spoken to the whole industry. He has not spoken to organic poultry producers, for example. Recently, he has been at great pains to point out that, in treating avian influenza, Scotland and the rest of the UK have been part of a single disease control unit. Given that we have such a unit, I do not see a problem in having a single unified plan. We want due process. If the minister had introduced proposals at stage 3 to give us that due process, I would have welcomed and supported them but, unfortunately, I have had to bring back my proposals. I urge members to vote for amendment 45, because we cannot merely have blank pieces of paper and a lack of due process, as that would leave the minister open to judicial review in the middle of a disease outbreak.

**The Presiding Officer:** The question is, that amendment 45 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

#### FOR

Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)

Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Campbell (West of Scotland) (Ind)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Tosh, Murray (West of Scotland) (Con)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 8, Against 69, Abstentions 22.

*Amendment 45 disagreed to.*

**The Presiding Officer:** I will explain my application of rule 9.8.5A. The rule allows any member to lodge a motion without notice to extend a debate on a grouping of amendments. The

debate has been extended by 10 minutes, which will knock on throughout the proceedings. We have the facility to extend the proceedings, the time for which is very tight, by up to 30 minutes.

### Section 5—Animal gatherings

**The Presiding Officer:** Group 3 is on animal gatherings. Amendment 15, in the name of the minister, is grouped with amendment 16.

**The Deputy Minister for Environment and Rural Development (Rhona Brankin):** On amendment 15, during the stage 2 debate I emphasised that it would be unreasonable for ministers to commit to a provision that prohibits the charging of any fee for the risk assessment or licensing process for animal or bird gatherings. That remains my and Ross Finnie's strongly held view. It is far better to adopt a flexible approach. We are conscious that we do not want to place additional burdens on, for example, local agricultural shows and game fairs. However, if it were judged that charging should become policy—for example for larger gatherings, for which the assessment of risk may involve considerable professional work—that could be achieved by means of secondary legislation under section 84 of the 1981 act. Importantly, such an order would be subject to parliamentary scrutiny.

I emphasise that licensing will not be automatic. Any licensing requirements for gatherings of animals or birds will be dependent on three main factors: the species at the gathering, the location and—of primary importance—the level of risk of disease, as assessed by the state veterinary service. When my officials consult on the secondary legislation that will govern the licensing procedures, they will be alert to the difficulties that are faced by local shows and fairs. I urge the Parliament to agree to amendment 15.

Amendment 16 is a technical amendment that seeks to delete the word “reasonable” from section 5 to bring it into line with other defences in the 1981 act. The requirement for reasonableness in the defences in the 1981 act is implied, so it is not necessary to make explicit provision in that regard. I recommend the approval of amendment 16.

I move amendment 15.

**The Presiding Officer:** The question is, that amendment 15 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Adam, Brian (Aberdeen North) (SNP)  
Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
Baillie, Jackie (Dumbarton) (Lab)  
Baker, Richard (North East Scotland) (Lab)  
Ballance, Chris (South of Scotland) (Green)

Ballard, Mark (Lothians) (Green)  
Barrie, Scott (Dunfermline West) (Lab)  
Boyack, Sarah (Edinburgh Central) (Lab)  
Brankin, Rhona (Midlothian) (Lab)  
Brown, Robert (Glasgow) (LD)  
Butler, Bill (Glasgow Anniesland) (Lab)  
Byrne, Ms Rosemary (South of Scotland) (SSP)  
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
Crawford, Bruce (Mid Scotland and Fife) (SNP)  
Cunningham, Roseanna (Perth) (SNP)  
Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
Eadie, Helen (Dunfermline East) (Lab)  
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
Fabiani, Linda (Central Scotland) (SNP)  
Ferguson, Patricia (Glasgow Maryhill) (Lab)  
Finnie, Ross (West of Scotland) (LD)  
Gibson, Rob (Highlands and Islands) (SNP)  
Gillon, Karen (Clydesdale) (Lab)  
Glen, Marlyn (North East Scotland) (Lab)  
Godman, Trish (West Renfrewshire) (Lab)  
Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
Gorrie, Donald (Central Scotland) (LD)  
Grahame, Christine (South of Scotland) (SNP)  
Harper, Robin (Lothians) (Green)  
Harvie, Patrick (Glasgow) (Green)  
Home Robertson, John (East Lothian) (Lab)  
Hughes, Janis (Glasgow Rutherglen) (Lab)  
Hyslop, Fiona (Lothians) (SNP)  
Ingram, Mr Adam (South of Scotland) (SNP)  
Jackson, Dr Sylvia (Stirling) (Lab)  
Jackson, Gordon (Glasgow Govan) (Lab)  
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
Kerr, Mr Andy (East Kilbride) (Lab)  
Lamont, Johann (Glasgow Pollok) (Lab)  
Livingstone, Marilyn (Kirkcaldy) (Lab)  
Lochhead, Richard (Moray) (SNP)  
Lyon, George (Argyll and Bute) (LD)  
MacAskill, Mr Kenny (Lothians) (SNP)  
Macdonald, Lewis (Aberdeen Central) (Lab)  
MacDonald, Margo (Lothians) (Ind)  
Macmillan, Maureen (Highlands and Islands) (Lab)  
Martin, Campbell (West of Scotland) (Ind)  
Martin, Paul (Glasgow Springburn) (Lab)  
Mather, Jim (Highlands and Islands) (SNP)  
Matheson, Michael (Central Scotland) (SNP)  
Maxwell, Mr Stewart (West of Scotland) (SNP)  
May, Christine (Central Fife) (Lab)  
McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
McCabe, Mr Tom (Hamilton South) (Lab)  
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
McFee, Mr Bruce (West of Scotland) (SNP)  
McMahon, Michael (Hamilton North and Bellshill) (Lab)  
McNeill, Pauline (Glasgow Kelvin) (Lab)  
McNulty, Des (Clydebank and Milngavie) (Lab)  
Morgan, Alasdair (South of Scotland) (SNP)  
Muldoon, Bristow (Livingston) (Lab)  
Mulligan, Mrs Mary (Linlithgow) (Lab)  
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
Murray, Dr Elaine (Dumfries) (Lab)  
Neil, Alex (Central Scotland) (SNP)  
Oldfather, Irene (Cunninghame South) (Lab)  
Peacock, Peter (Highlands and Islands) (Lab)  
Peattie, Cathy (Falkirk East) (Lab)  
Pringle, Mike (Edinburgh South) (LD)  
Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
Radcliffe, Nora (Gordon) (LD)  
Robison, Shona (Dundee East) (SNP)  
Robson, Euan (Roxburgh and Berwickshire) (LD)



Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Tosh, Murray (West of Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 92, Against 16, Abstentions 0.

*Amendment 15 agreed to.*

*Amendment 16 moved—[Rhona Brankin]—and agreed to.*

#### Section 9—Deliberate infection of animals

**The Presiding Officer:** That takes us to group 4, on disqualification et cetera. Amendment 17 is grouped with amendments 18 to 20 and 33 to 39.

**Ross Finnie:** These amendments relate to disqualification orders under both the health and welfare parts of the bill and to deprivation orders under the welfare part of the bill. The amendments are designed to improve the drafting, and they make provision as regards breach of care notices. Amendments 17, 19, 36, 37 and 39 are concerned with broadening out the disqualification provisions in both the health and welfare parts of the bill.

Amendments 18 and 34 amend the disqualification provisions in both the health and welfare parts of the bill from “owning and keeping animals” to

“owning or keeping animals (or both)”.

That clarifies the fact that a person can be disqualified from either or both of those activities, and it avoids there being any argument that a

person may be disqualified only if he or she is both owner and keeper.

Amendments 33 and 39 add breach of care notice to the list of offences that can lead to the making of a deprivation or disqualification order, thereby bringing the available disposals for such an offence into line with those under section 22(1). Courts already have the power to make deprivation orders for failure to ensure the welfare of an animal under section 22. It is appropriate that they should also have similar powers in relation to care notices that are made under section 22A, which provides for an alternative means of dealing with the same type of situation.

Amendments 17, 19, 20, 35, 36, 37 and 38 are concerned with broadening out disqualification provisions in the health and welfare parts of the bill. Amendment 36, which is concerned with the welfare provisions of the bill, provides that, as an alternative to prohibiting a person from keeping animals, a court can order that a person be restricted in the number of animals that they may keep. That is intended to cover the situation in which a person is convicted of a relevant animal welfare offence but the court considers it appropriate to make an order restricting the number of animals that the person can keep instead of prohibiting them from keeping animals altogether.

Amendment 37 makes provision that is ancillary to that made by amendment 36, so that when a person breaches a disqualification order that restricts the number of animals of any kind that they may keep, all animals of the kinds that are kept by that person are treated as being kept in breach of the order. Without such a provision, disputes could arise as to which animals were being kept in breach of the order.

Amendments 17 and 38 provide that, in relation to both health and welfare, breach of a disqualification order might lead to a further disqualification order. Amendment 19 is ancillary to amendment 17 and provides that where a court decides not to make a disqualification order under section 28F of the 1981 act, as inserted by the health part, in regard to the breach of an earlier disqualification order, it must state its reasons. The same position obtains in relation to the welfare part of the bill by virtue of amendment 38.

Amendments 20 and 35 improve the drafting and clarify that a disqualification may relate to a different kind of animal and not just one kind. I ask Parliament to accept the amendments

I move amendment 17.

*Amendment 17 agreed to.*

*Amendments 18 to 20 moved—[Ross Finnie]—and agreed to.*

### **Section 10—Livestock genotypes: specification, breeding and slaughter**

14:45

**The Presiding Officer:** Group 5 is on use of powers. Amendment 21 is grouped with amendments 22 to 28.

**Rhona Brankin:** Amendments 21 to 28 inclusive are technical amendments to clarify the drafting of the relevant provisions. Amendment 21 is similar to the technical amendment 16 that was debated in another group, and it leaves out the word “reasonable” from section 10.

Amendments 22, 23 and 24 restrict the power of entry provided in section 10 to functions of the Scottish ministers and inspectors. Amendments 25 and 26 provide that the power of entry is restricted to the power of slaughter under the named provisions. Amendments 27 and 28 refine the drafting of the warrant provision to clarify that a warrant can be granted for entry in connection with the functions of only the Scottish ministers or an inspector under the 1981 act and not in connection with the functions that other persons might have under the 1981 act. I therefore ask Parliament to agree amendments 21 to 28 inclusive.

I move amendment 21.

*Amendment 21 agreed to.*

*Amendments 22 to 24 moved—[Rhona Brankin]—and agreed to.*

### **Section 11—Powers of entry etc**

*Amendments 25 to 28 moved—[Rhona Brankin]—and agreed to.*

### **After section 13**

**The Presiding Officer:** Group 6 is on electronic communications. Amendment 29 is the only amendment in the group.

**Ross Finnie:** Following the passing of the Electronic Communications Act 2000, there is a requirement to consider and, where appropriate, to make provision for electronic communication in new legislation and when amending existing legislation, as is the case with part 1 of the bill, which amends the 1981 act. The general approach taken is that the use of electronic communication is available unless the provision in question prevents or casts doubt on that by, for example, referring to applications or other documents being in writing or being delivered by hand or by post. Amendment 29 puts the matter beyond doubt.

The powers to make other provisions in proposed new section 83A(6) of the 1981 act will allow us to keep up with developments and ensure

that electronic communication continues to be facilitated in a workable fashion. In addition, it will enable other provisions in the 1981 act to be amended to make provision for electronic communication in the future if required.

I move amendment 29.

**Stewart Stevenson (Banff and Buchan) (SNP):** In light of the word “may” in the proposed new section 83A(6), will the minister confirm that no electronic communication will be used that is free from electronic signatures? When he is considering the powers that amendment 29 provides to amend the act, will he look at extending, when appropriate, the definition of electronic communication to cover communications that are broadly similar in character but that do not rely on electronic means for transmission? An example is the optical transmission of data that does not necessarily involve electronics.

**Alex Johnstone (North East Scotland) (Con):** Briefly, I welcome amendment 29’s provision of further opportunities to extend electronic communication, which I know is widely taken up in the farming industry. My only concern is that many of the complaints that I receive about communications between individual farmers and the minister’s department relate to disputes over whether pieces of mail were properly delivered. We want to avoid such disputes in future. Is the minister convinced that any system of electronic communication that his department uses will be able to provide proof in the event of arguments that come down to, “Yes, I sent it,” and, “No, you did not”? Is he confident that any such system will adequately and properly record communications to avoid confusion?

**Ross Finnie:** In response to the latter of Stewart Stevenson’s two questions, I point out that the form of such communication is provided for under the Electronic Communications Act 2000, so the matter may be for members of his party in another place to address.

**Stewart Stevenson:** Will the minister give way?

**Ross Finnie:** No, I must move on.

I understand perfectly that movements and developments are taking place with electronic communication, but the powers that we are taking in amendment 29 are those that are specified and required under the Electronic Communications Act 2000.

On Stewart Stevenson’s first point, on electronic signatures, I believe that the form and method of the sending of the authorisation and of its receipt are also specified in the 2000 act, to which amendment 29 refers.

In response to Alex Johnstone, sadly I cannot guarantee that every farmer in Scotland is so computer literate that they will, without exception—if Alex Johnstone will allow for such exceptions—never make an error in transmitting information to my department. Clearly, the chances of that are very low indeed. However, I can see why the member might have some concerns and I assure him that we do everything we can when issues arise. Having had discussions with the member about such cases, I know that we have tried to improve the way we acknowledge receipt of communications. In the absence of such a receipt, farmers, like other users of electronic communication, need to be concerned that an automatic receipt has not been activated. If they do not receive a receipt, they should follow up the matter.

*Amendment 29 agreed to.*

### **Section 18—Mutilation**

**The Presiding Officer:** Group 7 is on mutilation, including the docking of dogs' tails. Amendment 30, in the name of the minister, is grouped with amendments 4, 11, 12, 12A and 12B.

**Rhona Brankin:** The tail docking of dogs has been one of the most controversial issues in the bill. Robust and passionate views are held and have been expressed both by those who support a total ban and by those who wish to see an exemption for working dogs.

Before I speak to amendment 30, I will explain why I am asking Parliament to reject the other amendments in the group that have been lodged by Ted Brocklebank and Andrew Arbuckle. Section 18 prohibits mutilations except those that are permitted by regulations. It would be quite inappropriate to single out any one mutilation and legislate for it on the face of the bill. If we were to deal with the tail docking of dogs in primary legislation, it would be logical to deal with all permitted mutilations in a similar way. Section 18 will not be enacted until the regulations allowing exemptions have been drafted, consulted on and approved by Parliament. That means that no final decision will be taken on the tail docking of dogs until the regulations are completed.

**Mr John Swinney (North Tayside) (SNP):** Will the minister give way?

**Rhona Brankin:** Let me finish the point.

I do not believe that an exemption should be made for working dogs but, if those who argue for such an exemption are able to present persuasive evidence supporting their case, their evidence will be given full consideration when we frame the extent of the exemptions. However, the time to do that will be during the consultation on the draft regulations.

**Mr Swinney:** Will the minister clarify what material and exemptions the Government intends to include within the regulations?

**Rhona Brankin:** The regulations will deal with a range of exemptions, including agricultural exemptions. The regulations will be discussed and will come back to Parliament following the passing of the bill. I make that absolutely clear.

During stage 2, I said that I was not convinced that the case for an exemption for working dogs had been made. The Environment and Rural Development Committee took that view in its stage 1 report and in its consideration of the issue at stage 2. I know that there are concerns that dogs working in thick cover or confined spaces will be prone to tail damage. I assure members that I do not want dogs to be injured. If I thought that a comprehensive ban would result in poorer animal welfare standards and cause increased suffering, I would not support it, but I do not think that a ban will do that. I appreciate that there are difficulties in collecting evidence on tail damage in working dogs and that there is a lack of scientific studies on the subject, but there is currently no convincing evidence that prophylactic docking in working dogs reduces tail injuries. Such evidence may come to light before the regulations that provide exemptions under section 18 are framed. If it is robust veterinary evidence, we will listen to it with interest.

**Alex Fergusson (Galloway and Upper Nithsdale) (Con):** I have received a number of letters from rural vets who consider that tail docking should be continued for humanitarian purposes. Is the minister suggesting that those who own and keep working dogs and who currently have their tails shortened to save them from injury do so in order to increase poor animal welfare practice and not to guarantee animal welfare? My experience is that they undertake the procedure to guarantee the future welfare of the animals in their ownership.

**Rhona Brankin:** We need to hear points of that kind. I said that if there is robust veterinary evidence, we will listen to it with interest when the regulations are discussed. We give that assurance today.

I know that concern has been expressed that a difference in policy on either side of the Scotland-England border could lead to the cross-border trafficking of animals from Scotland to England to undertake a prohibited procedure. The concern about dogs being transported to England does not apply only to working dogs, because dogs could be transported to Ireland for cosmetic docking. I do not consider that such a situation would be acceptable, which is why amendment 30 has been lodged. It will help to ensure that there is no docking tourism between Scotland and England.

and Scotland and Ireland to evade our ban on tail docking. I ask the Parliament to reject amendments 4, 11, 12, 12A and 12B.

I move amendment 30.

**Mr Brocklebank:** I will speak to amendments 4, 12A and 12B. I make absolutely no apologies for deploring the minister's volte-face in relation to exempting working dogs from the tail-shortening provisions of the bill. Like virtually everyone with experience of field sports and like our Westminster counterparts, who seem to have a clearer grasp of rural affairs than we in Scotland have, I believe that the minister's decision is perverse and misguided and could inflict unnecessary pain and suffering on working dogs—the reverse of what Mr Finnie claims the bill will achieve. It is also illogical, as lambs and pigs will still be able to have their tails and testicles removed without anaesthetic simply by having a rubber band placed around those parts. However, under the bill, puppies less than five days old will be unable to have their tails shortened safely and surgically for future welfare purposes.

The minister regularly quotes the Royal College of Veterinary Surgeons' view that tail shortening is unnecessary. The RCVS is entitled to its view, but so are the dozens of country vets who have written to me pleading that I emphasise their view that the RCVS is plain wrong. Rural vets are aware that the Royal (Dick) veterinary school submitted that in the dogs that it surveyed it found no evidence that shortening prevents injury, but we were not told how many working dogs were included in that survey.

We have also heard that dogs somehow lose part of their dogginess if the bottom thirds of their tails are removed and that somehow they can no longer express happiness by wagging their tails. The nonsense of that argument could easily be seen at lunch time, when dozens of dogs with shortened tails demonstrated their dogginess—and, indeed, their waggingness—outside Parliament.

That brings me to my major criticism of the decision not to exempt working dogs from the ban. When so much more important legislation is required from this place, why do we concern ourselves with poking into matters that are outside the experience of most members?

**Ross Finnie:** No!

15:00

**Mr Brocklebank:** Why cannot we trust those who have bred and operated working dogs for many decades to look after their welfare in a humane and appropriate manner? It beggars belief that owners of working dogs would expose them to unnecessary suffering. Why do politicians

in this place arrogantly assume that they know better than the owners of working dogs?

**Bruce Crawford (Mid Scotland and Fife) (SNP):** Does Mr Brocklebank accept that although many members may be prepared to support what he is trying to achieve, the way that he is going about it and his invective are, frankly, damaging his case?

**Mr Brocklebank:** That, of course, is entirely up to Bruce Crawford. All I can do is present my argument as I think it should be presented.

The Deputy Minister for Environment and Rural Development claims that it might be possible to amend regulations at some future date if the ban results in increased tail damage. However, why should our working dogs be condemned to suffer until ministers are possibly forced to change their mind, especially when injury to adult dogs resulting in amputation is known to require expensive and extensive surgery?

Andrew Arbuckle's amendment 12 is similar to mine, which is surprising, given that he and the Minister for Environment and Rural Development ostensibly belong to the same party. Amendment 12 includes the proposal that dogs whose tails are docked after the bill's commencement day should not be allowed entry into Scottish dog shows. I presume that the intention is to ensure that only working dogs and not breeding dogs are exempt from the ban. However, such pettifoggery is as illiberal as it is unworkable. How on earth would the authorities know whether a show entrant's tail had been shortened the day after or the day before the commencement day?

The minister's amendment 30 proposes that it will be an offence to take

"a protected animal ... for the purpose of having a prohibited procedure carried out ... at a place outwith Scotland."

Perhaps the minister or the deputy minister will explain how that will be policed. In the case of working dogs, how will the authorities decide what the purpose is of taking a litter of pups across the border? They might be en route to a new owner because of a perfectly legal sale. Or are Scottish working dogs to be ineligible for sale in England? How about the sale and transport of a pregnant springer bitch across the border into England? If her puppies have their tails shortened in England and they are sold back into Scotland, where will the offence lie? Again, not only is amendment 30 illogical, but it is totally unworkable. It seems geared to create confusion among the relevant authorities.

**Mr Andrew Arbuckle (Mid Scotland and Fife) (LD):** There has been considerable confusion during consideration of the bill over the tail docking of working dogs. The purpose of my amendment

12, for Ted Brocklebank's information, is to probe the Executive to provide a clear statement of its position on tail docking. I have been impressed by the quality of the strongly held views that have been put to me on the issue and I regret that those who work with dogs were unable to convince the Environment and Rural Development Committee that tail docking was a working practice and an animal welfare necessity.

The bill as it stands will put in place a blanket ban on all tail docking. However, I welcome the Executive's intention to produce subordinate legislation that will introduce exemptions to the ban to allow traditional farm practices such as the removal of lambs' tails and the castration of calves to continue. I inform Ted Brocklebank that I used to be involved in such farm practices and I still have one castration band left.

Given the minister's commitment to exempting such farm practices from the ban, I welcome her firm assurance that there will be a full and proper consultation on the issue of tail docking for working dogs. I am pleased that the minister has confirmed that those who support an exemption for working dogs will have the opportunity to present evidence to support their case. I welcome the minister's assurance to me that evidence will be considered in detail and that no final decision to ban tail docking for working dogs will be made until all the evidence has been considered. The minister has confirmed that if the case is made for an exemption for working dogs, the exemption could be achieved through subordinate legislation.

The bill is wide ranging and positive, and it should not become a bill on tail docking. I will not move amendment 12 and I will vote against Ted Brocklebank's amendments. Those who are in favour of allowing the tail docking of working dogs made a strong case that was based on robust evidence and it is right and proper that that issue should be considered in the same order that will provide exemptions for traditional farm practices. One lobbying postcard depicted a gun dog with a bloody tail. If that injury was caused during the dog's work, I hope that the evidence, together with other concrete evidence, will be brought forward. Historically tails have been docked so such evidence will not often be available, but examples would be welcome and are needed.

Members have pointed out that docking is not a sadistic measure; that it involves a cost; that it is not undertaken lightly; that it is not done for cosmetic reasons; and that it may be considered by some outsiders to be a tradition that should be done away with. However, the best way forward over the coming months will be for the minister to be provided with the information that will allow the current practice to continue. We must encourage those with a direct interest in the practice, and

direct experience of it, to come forward. Those people can help to make a strong and robust case to the minister to include in subordinate legislation an exemption for working dogs.

**The Deputy Presiding Officer (Murray Tosh):**

Fourteen members wish to speak on this group of amendments and I am not confident that I will be able to call everyone.

**Dr Sylvia Jackson (Stirling) (Lab):** I am pleased to speak in this debate. I am the convener of the cross-party group in the Scottish Parliament on animal welfare, which has had extensive debates on the issue. Having considered all the arguments, I find it difficult to move away from the view of the Scottish Society for the Prevention of Cruelty to Animals. That view is based on the experience and professional expertise of the British Veterinary Association and the British Small Animal Veterinary Association.

The Scottish Kennel Club has argued that undocked tails on working dogs will lead to injury—and not just to single amputations but to multiple amputations. It sounds very bad. However, the SSPCA points out what has happened in other countries in which the practice has been stopped. In one study, there are records from 10 clinics in 1996, covering a period before and after a ban on tail docking. The study found that, among 70,000 dogs that were treated in one year, there were only 26 incidents of tail injuries. That represents a rate of 3.7 tail injuries per 10,000 dogs, which is very low. The SSPCA considers that, although working dogs can and do injure their tails, the vast majority of those injuries are minor and can be treated by veterinary surgeons. Many significant advances have been made with such treatment.

The minister and others have said that, through subordinate legislation, it will be possible for the issue to be considered again. If evidence from veterinary surgeons shows that amputations are taking place, we can consider the issue again. I therefore do not see the problem and I implore members to reject amendments 11 and 12 in the name of Andrew Arbuckle, and amendments 4, 12A and 12B in the name of Ted Brocklebank.

**Mr Swinney:** It is very important that members listen carefully and pay attention to all the information that is conveyed to us by external organisations representing a broad cross-section of opinion; that we consider such information dispassionately; that we reflect on it; and that we are driven by the evidence that we are presented with. I am enormously sympathetic to the arguments of Ted Brocklebank and Andrew Arbuckle, but I found the manner of Ted Brocklebank's speech singularly unconvincing. On questions to which the party politics of the chamber do not apply, we do not advance our

arguments by simply chucking around invective when we should be chucking around facts, information and argument.

The minister has rested heavily on the arguments of the veterinary sector, but it strikes me that there is no uniform opinion in the veterinary sector. Opinions are divided and we should reflect on that. There is no single absolute opinion that should drive us towards a particular policy decision. I have seen convincing evidence to suggest that, if we ban tail docking at an early stage in an animal's life, we may inflict hardship and pain on the animal at a later stage.

One of the reasons why we have to give careful consideration to the issue is that the Executive has changed its policy position during the progress of the bill. Previously, it said to people in our constituencies that there would be an exemption for tail docking, but the minister now tells us that there will be no exemption for tail docking unless there is another discussion in the consultation exercise on subordinate legislation.

Our duty is to pass a bill and scrutinise it properly, not to defer a decision to subordinate legislation that will be presented to us on a take-it-or-leave-it basis. This is our opportunity to structure the legislation in a fashion that we believe reflects the priorities and the choices that we want to make. Although that may, at this stage in the debate, single out tail docking from the other issues that will be considered in secondary legislation, it would be a sensible insurance policy for the Parliament to take out, because the Government has changed its position dramatically during the process.

**Sarah Boyack (Edinburgh Central) (Lab):** Will the member give way?

**Ross Finnie:** Will the member give way?

**Mr Swinney:** I give way to the minister.

**Ross Finnie:** Although we adjusted our position in the light of the committee's stage 1 report, the structure of the bill would always have been as it is. There would have been a ban on all mutilations. Even if there had been exemptions, they would always—as proposed by the Government—have been contained in secondary legislation.

**Mr Swinney:** I take the minister's point, but I ask him to respect my view that if the Government has changed its policy position, which it has undeniably done in the course of the bill's progress, passing the amendments that are before us today would be a sensible insurance policy for the Parliament to take out. If I have to choose between Ted Brocklebank's amendments and Andrew Arbuckle's amendments, I will support Andrew Arbuckle's amendments. Andrew Arbuckle

has indicated that he does not intend to press his amendments; that is disappointing, but thankfully he does not have absolute control over that issue in this Parliament.

I have a question on cross-border traffic, which I hope that the minister will answer when she sums up. Will it be legitimate for an individual to sell a working dog in Scotland to a breeder in England, for the tail to be docked there and the dog to be sold back to the breeder in Scotland? Will that be legal? My reading of amendment 30, which the minister asks us to support, is that that practice would be entirely legal, which would defeat the purpose of the amendment. We should be in the business of passing good legislation, not flawed legislation.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** This is an animal welfare bill. The docking of puppies' tails in infancy is an animal welfare measure, which is designed to stop dogs such as spaniels going through excruciating agony in later life if they injure their tails when working in thick undergrowth and brambles or elsewhere. Dogs are docked for the avoidance of tail injuries. As anyone who knows about dog injuries will tell us, a tail injury is one of the most painful things that a dog can suffer and it is one of the most difficult injuries to heal.

I used to work and breed springer spaniels. They are the most loyal and courageous of breeds and are great companions. I would sooner cut off my own hand than deliberately cause injury or pain to one of my dogs. Most dog owners feel the same way, which is why we dock tails. I was always present when my spaniel puppies were docked. I never saw any reaction at the time or ill-effects later on. The tails are docked for the avoidance of future tail injury.

I wrote to Mr Finnie on March 15. He acknowledged in his reply that spaniels can endure split and broken tails when they work in thick undergrowth. His reason for deciding that he would no longer introduce an exemption for working dogs seems to be that breeds such as collies would come under the same exemption. However, I am sure that he knows—as most people do—that no one docks collie dogs. They work in open fields, so there is no reason to dock their tails.

**Mr Ruskell:** Will the member give way?

**Mr McGrigor:** Hang on a minute.

Ironically, every ewe and lamb that the collies are rounding up is docked as a welfare measure. Surely it would be disgraceful to fail to exempt certain breeds such as spaniels, which need to be docked as a welfare measure, because a way cannot be found to write the correct words in a bill. Our actions in the Parliament would allow dogs to

go through pain and suffering. That cannot be right.

Right here in Scotland, we have the best working springer bloodlines of anywhere in the world. If docking is disallowed, we will lose those bloodlines to England, where breeders will still be able to dock. I beseech members not to disallow docking for working dogs. I beseech members to support Ted Brocklebank's amendment 4.

15:15

**Mr Ruskell:** I ask members to support amendment 30 in the name of the minister and to reject all the other amendments in the group, including those in the name of the minister's Liberal Democrat back-bench colleague. Those other amendments were lodged to create an exemption to the ban on tail docking and to reopen arguments that the committee rejected comprehensively at stage 2. Throughout the debate on tail docking, I have said that we should not enshrine illogical traditions into 21<sup>st</sup> century Scots law. Tail docking is an illogical tradition: indeed, it is recognised as such by the British Veterinary Association, the BSAVA and the Royal College of Veterinary Surgeons. It is completely inappropriate and unrealistic of Ted Brocklebank to simply dismiss members of those prestigious bodies as a bunch of townie vets.

Not even the people who are pro tail docking can accurately define which working dogs would benefit physiologically from having their tail docked. There is inconsistency across the working breed standards: cocker and springer spaniels have their tails docked, whereas Irish water spaniels do not; and German pointers have docked tails, whereas English pointers do not. The SSPCA told us that one of the breeds that suffers the greatest number of tail injuries is the Labrador and yet that breed has never had its tail docked. Frankly, the idea of a tail-docked Labrador is faintly ridiculous. The committee and the Executive have got it right in this case.

I say to John Swinney that there has been parliamentary scrutiny. The Environment and Rural Development Committee considered all the evidence and came to the conclusion that the right way forward is to have a monitorable ban. Putting in place an exemption would simply create an unworkable mess. When a puppy is only a couple of days old, how can anyone tell whether it is suitable to become a working dog? How would we get round the situation that the loophole would create, whereby a dog breeder could apply for a gun licence or a shooting club membership card simply to be able to routinely dock the tails of the dogs that they breed for sale? We simply cannot introduce an exemption.

Amendment 30 will close the loophole whereby people could have taken their dogs down south to have their tails docked. Ted Brocklebank does not understand the point that is at issue in that regard. If he had examined the debate at Westminster, as he urged us to do, he would know that the exemption that the English bill proposes means that people who take their dogs to the vet to have their tails docked will require to have the dog microchipped with their name and address as part of the registration. That provision provides a pretty solid basis for any line of inquiry in the case of someone who takes their dog down south to have its tail docked. The minister's amendment 30 is robust.

A full monitorable ban is the right approach for us to take—it is the logical approach. I urge members to support amendment 30 and to reject all the other amendments in the group.

**Nora Radcliffe (Gordon) (LD):** I remind members that much of the animal welfare legislation under which we operate is something like 100 years old. It is likely that the provisions of the bill that we are debating will have to last for 20, 30, 50 or more years. The bill has been framed as enabling legislation; it has a total ban on mutilations, but provides the flexibility for the Government to introduce exemptions by way of secondary legislation as and when people's idea of what is acceptable and unacceptable changes over time. Whatever the answer to the question that has been posed in the debate whether there should—or should not—be tail docking, the right way to act is by secondary legislation. We should make our decision at the same time that we introduce the other exemptions to the total ban on mutilation.

Mutilating an animal by chopping off part of its body is a fairly extreme thing to do. Having duly considered all the aspects, someone should be able to make a really good justification of the practice on animal welfare grounds. The committee had no doubts about the sincerity of the people with experience of working dogs who told us that they genuinely believe that dogs are liable to incur painful injuries if their tails are not docked. However, we had difficulty because common practice is not necessarily good practice. Although working dogs' tails are routinely docked, we do not have incontrovertible evidence that there will be a significant increase in tail injuries among working dogs if docking is discontinued.

**Mr McGrigor:** Will the member give way?

**Nora Radcliffe:** In a minute.

I ask the Executive immediately and proactively to establish a baseline on the incidence of tail injuries among working dogs, so that we can measure the evidence against that baseline. If it

can be demonstrated that a ban on tail docking leads to a significant increase in the incidence of tail injuries, the Executive will be able to move quickly to bring forward secondary legislation, on the basis of incontrovertible evidence.

**John Home Robertson (East Lothian) (Lab):** I want to express caution about section 18. It is well intentioned, but I have yet to be convinced that it makes sense and I cannot be convinced until I know much more about the exemptions that are proposed by the Executive—I hope that we will hear more on exemptions from the minister. I am also increasingly worried about the perception of the Scottish Parliament in parts of Scotland, where we have a reputation for rushing into legislation. We need to be a little careful about matters such as the one we are debating.

For the avoidance of doubt, I will say that the mutilation of animals for cosmetic purposes is abhorrent, wrong and surely a contravention of the ethical standards of the veterinary profession. However, there can be good animal welfare reasons for surgery on some animals in some circumstances. It can be necessary to take the dew claws off dogs. It is necessary to dehorn cattle and to castrate some farm and domestic animals, and anyone who has seen a sheep struck down by maggots will testify to the need to dock the tails of lambs.

I understand that some breeds of dog, when they are used for specific and legitimate purposes, are at genuine risk of significant injuries if their tails are not docked. If that is the case, and only in specific circumstances, professional veterinary surgeons should be allowed to carry out tail docking, subject to the rules and ethical standards of their profession. We should expect the profession to set and enforce strict standards.

Probably all members have received many representations from people who call for a ban on tail docking, many of which have been inspired by well-organised pressure groups. Some of us have received a similar number of representations from people who support the other side of the argument. However, a national Parliament must resist the urge to do what campaign groups and lobbyists tell it to do. Our duty is to do what we think is right for Scotland. Cosmetic tail docking is wrong, but I am not convinced that a blanket legislative ban is the right way to deal with the problem.

I was considering voting for Ted Brocklebank's amendment 4 until I heard his speech, which I do not think was intended to attract support—I will bear that in mind. I remain uneasy about simply giving the Executive powers to make regulations. However, I welcome the minister's intention to make regulations on exemptions and I hope that she will say more about the exemptions that the

Executive has in mind. I hope to be able to support section 18.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** It might surprise members who remember my role in the Protection of Wild Mammals (Scotland) Bill to hear that I support the amendments that would exempt working dogs from the ban on tail docking.

I grew up in a family that kept working dogs. My father had springer spaniels, which went to the gun. He used to cut off the puppies' tails when they were only hours old. The procedure was necessary then and it is necessary now, to prevent future injuries.

The minister has told the Parliament that the issue will be considered at some time in the future and dealt with through regulations. However, the minister well knows that, when the Parliament considers regulations, we cannot amend them. Even if the minister decided not to include tail docking in the regulations, members would not have the opportunity to amend them. The minister has a duty, in summing up, to say whether she is for or against tail docking.

Executive amendment 30, which would make it an offence to take an animal out of Scotland for tail docking, is totally illogical, for the reasons that other members have outlined. The minister has a duty to answer John Swinney's question about whether an animal that is sold could be sold back once its tail had been docked. It is important that the Parliament legislates on animal welfare matters—that is not, as Ted Brocklebank said, a waste of time. We all have a duty to consider animal welfare. The bill is a good one, but it could be better. I ask members to think carefully about how they vote on the amendments.

**The Deputy Presiding Officer:** I express my regret to the six remaining members who wish to speak, but there is no time for them.

**Richard Lochhead:** Will you exercise your discretion, Presiding Officer?

**The Deputy Presiding Officer:** No. I will not exercise my discretion to accept a motion without notice. I ask Rhona Brankin to wind up the debate.

**Rhona Brankin:** I want to be absolutely clear that it is not appropriate to single out any one mutilation and legislate on it through the bill. We will not do that. I also want to be clear that section 18 will not come into force until the regulations that allow exemptions have been drafted, consulted on and approved by the Parliament. That means that no final decision will be taken on the tail docking of dogs until the regulations are completed. If those who argue for an exemption for working dogs can present persuasive evidence in support of their case, that will be given full consideration.

**Karen Gillon (Clydesdale) (Lab)** rose—



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

**Mr McGrigor** *rose—*

**Rhona Brankin:** I would like to continue, because I want to deal with a couple of points that have been raised.

John Swinney raised the possibility of puppies being sold to a breeder in England and then sold back again. To clarify for Mr Swinney, if the purpose was to have the tails docked, it would be illegal to move the dogs outwith Scotland.

**Mr Swinney:** Will the minister give way?

**Rhona Brankin:** I gave way several times in my opening remarks.

John Home Robertson talked about farm animals. The European Commission regularly reviews and updates farm animal welfare rules. The European Council agrees directives and regulations that control farming practices. Decisions on mutilations of farm animals should be agreed at that level, to ensure a level playing field throughout the European Union.

Any new procedure that involves mutilating an animal will be prohibited unless and until it is specifically exempted. State veterinary service veterinarians and officials will consider the evidence on whether the procedure warrants an exemption and advise ministers accordingly. If an exemption is proposed, there will of course be public consultation. Parliamentary approval will be required of any regulations that exempt a procedure. I repeat that no final decision will be taken on the tail docking of dogs until the regulations are completed.

**The Deputy Presiding Officer:** The question is, that amendment 30 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**FOR**

Adam, Brian (Aberdeen North) (SNP)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)

Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fox, Colin (Lothians) (SSP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kane, Rosie (Glasgow) (SSP)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Matheson, Michael (Central Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**AGAINST**

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Martin, Campbell (West of Scotland) (Ind)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)

**ABSTENTIONS**

Fabiani, Linda (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 86, Against 30, Abstentions 3.

*Amendment 30 agreed to.*

*Amendment 4 moved—[Mr Ted Brocklebank].*

**The Deputy Presiding Officer:** The question is, that amendment 4 be agreed to. Are we agreed?

**Members:** No.

15:30

**The Deputy Presiding Officer:** There will be a division.

**FOR**

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)

Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Swinney, Mr John (North Tayside) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)

**AGAINST**

Adam, Brian (Aberdeen North) (SNP)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fox, Colin (Lothians) (SSP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kane, Rosie (Glasgow) (SSP)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Campbell (West of Scotland) (Ind)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Matheson, Michael (Central Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)

McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
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 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Stevenson, Stewart (Banff and Buchan) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 25, Against 92, Abstentions 1.

*Amendment 4 disagreed to.*

**The Deputy Presiding Officer:** Amendment 11 is in the name of Andrew Arbuckle.

**Mr Arbuckle:** Not moved.

*Amendment 11 moved—[Fergus Ewing].*

**The Deputy Presiding Officer:** The question is, that amendment 11 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)

Mather, Jim (Highlands and Islands) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGregor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)

#### AGAINST

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fox, Colin (Lothians) (SSP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kane, Rosie (Glasgow) (SSP)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Campbell (West of Scotland) (Ind)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Matheson, Michael (Central Scotland) (SNP)

May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 31, Against 87, Abstentions 0.

*Amendment 11 disagreed to.*

### After section 18

**The Deputy Presiding Officer:** Amendment 12 is in the name of Andrew Arbuckle.

**Mr Arbuckle:** Not moved.

*Amendment 12 moved—[Fergus Ewing].*

*Amendment 12A moved—[Mr Ted Brocklebank].*

**The Deputy Presiding Officer:** The question is, that amendment 12A be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

### FOR

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)

McFee, Mr Bruce (West of Scotland) (SNP)  
 McGregor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Welsh, Mr Andrew (Angus) (SNP)

### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fox, Colin (Lothians) (SSP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kane, Rosie (Glasgow) (SSP)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Campbell (West of Scotland) (Ind)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)

Maxwell, Mr Stewart (West of Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 19, Against 101, Abstentions 0.

*Amendment 12A disagreed to.*

*Amendment 12B not moved.*

**The Deputy Presiding Officer:** The question is, that amendment 12 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)

Johnstone, Alex (North East Scotland) (Con)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)

#### AGAINST

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fox, Colin (Lothians) (SSP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kane, Rosie (Glasgow) (SSP)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)

Martin, Campbell (West of Scotland) (Ind)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Matheson, Michael (Central Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 31, Against 89, Abstentions 0.

*Amendment 12 disagreed to.*

## After section 20

**The Deputy Presiding Officer:** Amendment 6, in the name of Maureen Macmillan, is in a group on its own.

**Maureen Macmillan:** Amendment 6 seeks to make it an offence knowingly to attach an electric shock collar to a protected animal, or permit the use of an electric shock collar on a protected animal. It will also make it an offence to possess, control, offer for sale or supply an electric shock collar. These collars are freely available on the internet with no restriction on or regulation of their use.

The use of the collars is cruel and unnecessary. That view is shared by animal welfare organisations such as Advocates for Animals, the Kennel Club and the SSPCA. These collars have already been banned in several European countries.

The collars are cruel because they deliver a painful electric shock through two prongs, the thickness of a pencil, at the base of a dog's throat. They are unnecessary because it is generally agreed that even dogs that have become aggressive and unbiddable can be successfully retrained using positive training methods.

**Alex Fergusson:** I do not disagree with much of what the member says. However, will she make other members aware of the fact that there is a huge difference between the sort of collar that the member has in her hand, which a dog wears all the time and which can, in some instances, be set off by the barking of another dog, and a training collar that is operated manually by a trainer? Is the member aware that, if the use of such collars is forbidden by legislation, other sorts of training could be opened up, such as running loops around a dog's neck to train it to stop on command and other methods that could be far more injurious to animal welfare than the proper, judicious use of a single-shock collar?

**Maureen Macmillan:** I am grateful for that intervention and I realise that there is a debate to be had about the different types of electric shock collars that are in use. The one that I have in my hand is a remote-control one that is used for training purposes.

As I said, I believe that dogs can be retrained using positive training methods. I point out that the police and the Army have given up using the collars for the reasons that I have outlined.

When the amendment was debated at stage 2, the Executive stated that the Department for Environment, Food and Rural Affairs was conducting research into the effects of electric shock collars. However, it has since emerged that robust, peer-reviewed research has already been done. The University of Bristol has carried out a review of the current literature on the subject. Other academic institutions have declined further to research the use of electric shock collars for DEFRA, as they consider it to be unethical, given that a body of research already exists and that further research would cause suffering to dogs. The Executive is now aware of the existing research and, indeed, Executive officials have tested out the force of those collars in the course of a meeting with animal welfare organisations.

I therefore hope to have a more positive response from the minister to this amendment than I received during stage 2.

I move amendment 6.

**Alex Johnstone:** I have read Maureen Macmillan's amendment and I understand why she lodged it. I am concerned by information that has been brought to my attention about the development of alternative uses for such

equipment, particularly equipment that is now available that can serve to restrict the range of dogs on premises on which they are untethered and unrestricted by other means. My concern is that Maureen Macmillan's amendment might be too all-encompassing and might not allow the flexibility that is needed if we are to be able to consider applications for technology of which we are not yet aware. Is the member concerned that this amendment might restrict a range of potentially positive uses that have not been thought of at the moment?

**Ross Finnie:** I am well aware that there are strong views against the use of electric shock collars. However, I am equally aware that some believe that electric shock collars have a role to play, particularly if an animal has proven to be unresponsive to other training techniques. Further, as Alex Fergusson has pointed out, there is a range of electric collars, some of which are operated manually via a remote-control transmitter. Although there is significant support from animal welfare groups for a ban on such collars, we do not believe that it is appropriate to include a ban in the bill. The bill already provides that Scottish ministers may make regulations with a view to banning such devices under section 23 and secondary legislation is our preferred route.

I respect Maureen Macmillan's views on the matter, but as the Deputy Minister for Environment and Rural Development said at stage 2, we will not ban activities unless we have heard all the evidence in relation to them. Maureen Macmillan mentioned the literature review that was carried out for DEFRA and we are aware of that. We have given the matter further consideration and we still take the view that it would be helpful to have further research because we are convinced that there is considerable potential for the misuse of electric shock collars. The use of such collars as training aids might be justified in some cases but it is not clear to us how the activity could be regulated appropriately. That is why we seek further evidence.

We want to issue a consultation on the use of electric collars and to seek further evidence. If the evidence is there, as Maureen Macmillan clearly believes it is, we can introduce regulations to ban the use of such collars for the specific purposes that cause animal welfare problems. I hope that my commitment to undertake a consultation reassures Maureen Macmillan that we take the matter seriously and that we are minded to ban the use of devices that cause pain and distress unless there is a good case for them to be permitted.

I ask the Parliament not to support amendment 6.

**Maureen Macmillan:** I thank the minister for his undertaking. I understand the requirement to consult further on the matter and to legislate by regulation. The animal welfare organisations will be content with what is proposed because they believe—as I do—that the merits of the case will lead to regulation in due course. I therefore seek the Parliament's agreement to withdraw amendment 6.

*Amendment 6, by agreement, withdrawn.*

## Section 21—Animal fights

**The Deputy Presiding Officer:** Group 9 is on animal fights. Amendment 31, in the name of the minister, is grouped with amendment 7.

**Rhona Brankin:** Amendment 31 creates an additional offence of causing an animal fight to take place. "Making ... arrangements" covers cases where the fight does or does not take place. "Causes" implies that the fight actually takes place. The amendment will therefore clarify that it is an offence both to make arrangements for an animal fight that does or does not subsequently take place and to cause an animal fight to take place.

Maureen Macmillan's amendment 7 seeks to create an offence of simple possession of a video recording of an animal fight. I have considered the matter further since stage 2 and I met Maureen Macmillan to discuss it. However, creating an offence of simple possession could lead to inconsistency in the law on possession of recordings. There is only one other area in which simple possession or making a recording is an offence and that is child pornography. Although recordings of animal fights are repugnant, it is difficult to draw a parallel with child pornography. It is not an offence to possess recordings of a serious assault on a person or a murder. To introduce such an offence in relation to animal fights might imply that they are viewed more seriously. The recording of other offences is usually an aggravating factor that is taken into account in sentencing decisions. We consider that to be a preferable approach.

I understand that the committee takes possession of recordings seriously and I am more than happy to listen to the debate and the case that is being made. However, I ask the Parliament to agree to amendment 31 and to reject amendment 7.

I move amendment 31.

15:45

**Maureen Macmillan:** Amendment 7 seeks to make it an offence to possess a video recording of an animal fight. As the minister said, it reflects the

view of the Environment and Rural Development Committee.

At stage 2, the Executive lodged amendments that make it an offence to show, supply or publish a recording of an animal fight or to possess such a recording with an intent to supply it to a third party. Possession of a recording will not be an offence although it seems self-evident that someone who possesses such a recording is involved in staging animal fights. Both the animal welfare organisations and the police believe that the provisions will allow too many known dog-fight promoters to argue that the fight recordings in their possession are purely for their own use and are therefore legally held.

The argument that the Executive used against the amendment was that it would be unusual and legally contentious to make possession of a recording an offence. Possession of recordings of other violence, such as murder or extreme sadistic pornography, is not an offence, although many people might think that possessing such recordings should be an offence.

As the minister said, the only current example of such an offence is that of possession of a recording of the sexual abuse of children. I am absolutely clear that in no way do I suggest that cruelty to animals is anywhere near the scale of depravity and criminality of child sexual abuse or the other practices that I mentioned earlier. However, I draw members' attention to research at the University of Edinburgh by Helen Munro for the SSPCA that showed links between animal abuse and child abuse. Scottish Women's Aid recognises that the abuse of animals is used to coerce women and children. I do not wish to make too much of that; I wish only to show the kind of people we are dealing with.

I am told that dog fighting and the gambling that accompanies it are often connected with other criminal activity such as drug dealing and I do not feel that we should leave any wriggle room in the bill for such people. I emphasise that the bill makes allowances for the legitimate possession of videos of fights—for law enforcement purposes, for example.

I appreciate that legal problems are connected with amendment 7 and that the Executive's response is based on the consideration that we should not create such offences piecemeal. If creating the offence that amendment 7 proposes is not appropriate when worse recordings can be possessed, I ask the Executive—the matter is not just for the minister—what commitment it will make to creating offences in due course for the possession not only of animal abuse videos, but of other videos that show extreme violence or abuse. In the end, the important fact that has emerged

from the debate is that there is a gap in the law that needs to be closed.

**Elaine Smith (Coatbridge and Chryston) (Lab):** I welcome the creation of the offences in relation to animal fights in the bill, which are long overdue. It is time that we took legislative action to eradicate such horrendous practices. Several witnesses suggested to the Environment and Rural Development Committee that if the possession of a recording were outlawed, that would rapidly undermine the entire animal fight industry, which is surely the outcome that we want. Having listened to the minister and to Maureen Macmillan, I am still concerned about leaving in the words,

“with the intention of supplying it to another person.”

I do not understand why we have to leave those words, because they will provide a loophole that could allow the recording of fights to continue. The possible loophole lies in the fact that it is hard to prove that someone intended to supply a recording.

It would be tragic if such well intentioned and welcome legislation did not eradicate dog fighting in practice. I do not imagine that the Scottish Executive wants to leave a loophole; I am sure that that is not its intention.

I listened to what the minister said about consistency with other legislation. If the bill is to remain as it is, will she—as Maureen Macmillan asked her to—say something about considering other legislation in the near future? I would be concerned if the provision turned into a loophole and did not have the outcome that the Executive wants the bill to have.

**Rhona Brankin:** I say to Maureen Macmillan and other committee members who have raised the issue that work will be undertaken on extreme pornography and the possession of recordings. That work could give us an opportunity to consider other issues that relate to the possession of recordings. In the light of that, it would be useful if Maureen Macmillan considered not moving her amendment.

*Amendment 31 agreed to.*

*Amendment 7 not moved.*

### **Section 23—Provision for securing welfare**

**The Deputy Presiding Officer:** Group 10 is on the prevention of poisoning. Amendment 8, in the name of Elaine Murray, is the only amendment in the group.

**Dr Elaine Murray (Dumfries) (Lab):** It will come as no surprise to members that amendment 8 is to do with ragwort, as I have referred to ragwort on a number of occasions. Ragwort is an attractive



yellow wildflower and is the habitat of the cinnabar moth, but it also—unfortunately—contains a number of alkaloid toxins that are particularly toxic to horses, to cattle to a lesser extent and to sheep to a lesser extent still. A horse that consumes only a small amount of ragwort in its lifetime can die an unpleasant, lingering and cruel death.

The British Horse Society has identified the need for education. Many people do not know what ragwort looks like, do not realise how dangerous it is to horses and do not appreciate that it should be nowhere near horses. I lodged amendment 8 because I wanted an assurance from ministers that they would produce a code of practice on the control of ragwort that is similar to that which DEFRA produced following a private member's bill. At one time, I thought of introducing a member's bill on the issue, but that will not be necessary if the Executive is prepared to act.

Clarification about the contamination of forage crops is needed in such a code. Horses are unlikely to eat ragwort in fields, but they are likely to consume it if it is contained in hay. People are not always aware of the dangers of ragwort in hay. I would like clarification on the matter because legislation exists that prevents the sale of contaminated foodstuffs, but many horse owners do not know their rights. Many townspeople think that every person who owns a horse is a Lady Chatterley type, but many ordinary people in rural areas—nurses and factory workers, for example—own horses, which represent a considerable expense. Such people forgo many other pleasures by owning horses and their rights with respect to what recourse they can have if they are sold contaminated crops for their horses need to be clarified. Dealing with the matter in the code would be helpful.

I will sum up. I would like an assurance on the record from ministers that a code of practice will be produced as soon as possible. That should not take long, given that DEFRA already has a similar code, which could be translated to Scotland. If I receive such an assurance, I will not press my amendment, but I will thank ministers on behalf of horse owners and their equine friends throughout Scotland.

I move amendment 8.

**Ms Rosemary Byrne (South of Scotland) (SSP):** I have been interested in horses for many years, and, like Elaine Murray, have previously raised the issue of ragwort.

Ragwort is one of the most frequent causes of plant poisoning of livestock in Britain. We must be clear about how dangerous it is to equines and bovines, which are most susceptible to ragwort poisoning. Young animals are more at risk than mature animals because, for some reason, they

do not recognise that ragwort has a bitter taste at some times of the year. Consequently, some horses will not eat it. Ragwort does not have a bitter taste when it is dying, however, and young animals will eat it then.

Getting rid of ragwort can be difficult, because fragments of ragwort root will grow again. It is important that it is disposed of very carefully.

I support Elaine Murray's request for a code of practice because of the numerous issues that relate to ragwort. Good advice must be given and there must be good husbandry when people look after fields. The worst areas are fields that are not looked after, where horses are seen on poor grazing; there will be ragwort on such fields. I support Elaine Murray's stance and hope that a code will be produced. That will move us forward considerably.

**Mr Ruskell:** I respect the serious concerns about the welfare of horses raised by Lady Elaine and Rosemary Byrne. However, as the minister pointed out at stage 2, there already are provisions in the bill—under sections 20, 22 and 34—to ensure a proportionate response to the ragwort problem. An unintended impact of amendment 8 might be that, if we started to ramp up the regulation, landowners might start investing rather heavily in herbicides, which could have an impact on biodiversity. We need a proportionate response to the problem, and such a response is in the bill. We do not need further regulation.

**Ross Finnie:** We all commend Elaine Murray for her diligence in pursuing the ragwort issue. Indeed, some of us believe that her PhD thesis was on ragwort. It will be disappointing if any undertaking that I give prevents the Parliament from having to consult on her bill on ragwort. Nevertheless, I am afraid that we may be disappointed.

Although I appreciate what Mark Ruskell has just said about sections 20, 22 and 34, I believe that the deputy minister has stated that section 34 would allow ministers to issue a statutory code of practice on ragwort control in areas where horses are kept, if that was deemed necessary. We need to clarify the position.

A code is necessary, and we could create a code under section 34 that would deal with horses and ragwort, which would have to be directed at horse owners and people who are responsible for those protected animals. However, that would not quite take care of the position that is being advanced by Elaine Murray. I do not wish to anticipate the debate, but I draw members' attention to amendment 32. If passed, that amendment would allow the Scottish ministers to introduce statutory guidance that could be more targeted and more widely drawn than is currently

possible under section 34. I give an undertaking that, if amendment 32 were passed, it would be ministers' intention to issue a code of practice under both section 34 and the section that amendment 32 would introduce, which would address both those with direct responsibility for horses and other people who might be engaged in the provision of substances that would be deleterious to the health and welfare of equines.

**Mr Jim Wallace (Orkney) (LD):** I follow what the minister is saying. However, from the recesses of my mind I recall that some kinds of ragwort are not covered in their formal Latin botanical name under the Weeds Act 1959; therefore, it becomes difficult to issue directions under that act. Does the minister propose to examine the Weeds Act 1959, to ensure that that aspect is fully covered?

**Ross Finnie:** I never cease to be amazed by the contents of the deep recesses of my learned friend's mind. Curiously enough, that is not a matter that was in the recesses of my mind. Nevertheless, I assure my learned friend that, if what he says is the case, in drawing up whatever regulations may be required—either under section 34 or under the new section created by amendment 32—we will ensure that we satisfy the deeper recesses of his mind. I give that undertaking. More specifically, if we issue a code of practice under both those sections, I hope that that will satisfy Elaine Murray and that she will not require to pursue her amendment.

**The Deputy Presiding Officer:** I call Elaine Murray to wind up—at a gallop, please.

**Dr Murray:** I am pleased with the assurances that I have received. Jim Wallace is correct to say that there are other forms of ragwort. The usual form, which is covered by the Weeds Act 1959, is common ragwort, but there are other forms of ragwort. That needs to be looked into.

I inform the minister that my PhD is not in ragwort, I am afraid, but in laser magnetic resonance spectroscopy. I thank the minister for his assurances and I thank the many members who have raised the issue over the years. I look forward to guidance being issued. I seek to withdraw amendment 8.

*Amendment 8, by agreement, withdrawn.*

### After section 23

16:00

**The Deputy Presiding Officer:** Group 11 is on the sale of animals. Amendment 51, in the name of Richard Lochhead, is grouped with amendments 52 and 53.

**Richard Lochhead:** Amendment 51 is about the need to regulate the sale of animals on the

internet. We all recognise that the growth of the internet brings massive opportunities, but it also brings some challenges. One challenge that has been highlighted during the past few months of debate on the bill is the challenge to animal welfare. Some people believe that the trade of animals on the internet is detrimental to animal welfare. Amendment 51 seeks to persuade ministers that there is a need to regulate that trade.

I draw members' attention to the briefing from the International Fund for Animal Welfare, which mentions a survey that it carried out on the web. It found that among animals for sale on the internet, there were 146 primates, including a gorilla and four baby chimps, as well as a Siberian tiger and a giraffe. That raises various issues. How do we ensure that such animals are kept in the best conditions and that the people who facilitate the trade of animals on the internet are held responsible under the bill?

At present, internet service providers and people who own websites in Scotland are not covered by the bill. At stage 2, the issue was raised with ministers, who said that they intended to make regulations on the sale of animals on the internet but that those regulations might only reflect those that have been adopted south of the border. In effect, they would regulate only online pet shops but not the internet service providers or the website owners. The purpose of amendment 51 is to go one step further and ensure that those people are regulated, given the potential implications for animal welfare.

The main reason why the Government rejected a similar amendment at stage 2 was that it felt that the regulation-making power would be time limited. That is why in the amendment at stage 3 we are saying that some but not all of the regulations should be brought in within the first year. Given that the time constraints have been removed, I hope that the minister will feel able to support amendment 51.

I am very sympathetic towards amendments 52 and 53, in the name of Christine Grahame, but I know that she is going to speak to them, so I will not do so. I hope that members will support all the amendments in this group.

I move amendment 51.

**Christine Grahame (South of Scotland) (SNP):** We go from the modernity of the internet to the old-fashioned pet shop. I am pleased to say that many pet shops no longer sell puppies and kittens.

Many parts of amendment 52 refer to "a dog" because there is no definition of "a puppy" in the bill, but I am talking about puppies, because very few adult dogs are sold in pet shops. I am seeking an outright ban on pet shops selling puppies.

Subsection (2) of the section that amendment 52 would introduce says:

"A person who, in the course of a business, sells a dog which is less than eight weeks old commits an offence."

The arguments for both amendments are along the same lines. Puppies that are sold in pet shops are taken away from their mothers before they are eight weeks old and have learned the dog rules, as it were. Some of those puppies become psychological wrecks because they do not know how to behave.

Also, pet shops do not have staff there 24 hours a day to look after the animals. Anyone who has had a young animal knows that it is just like a baby; it has to be cared for. Puppy farmers who sell puppies to pet shops do not undertake the same duties as they do with responsible breeders who sell them. I hope that all members feel sympathy with all those issues. Pet shops should no longer be able to sell puppies, especially those that are less than eight weeks old. The other issues in the amendments are concerned with the Breeding and Sale of Dogs (Welfare) Act 1999.

If members do not agree with amendment 52, their fallback position could be amendment 53, which proposes that if, in the course of a business, anyone sells a dog that is less than eight weeks old, they must provide certain information

"as the Scottish Ministers may by regulations specify."

To some extent, that would bring the bill in line with my Transportation and Sale of Puppies (Scotland) Bill. I hope that the days remembered in the old song "How much is that doggy in the window?" are going to be dead and buried.

**Alex Johnstone:** Amendment 52 falls into that category that makes me concerned that it might drive the activities of some dog dealers underground. For that reason, I have a strong preference for amendment 53, which I believe would legitimise and regulate the activities about which we are concerned, rather than forcing them into the dark where we do not want them to go.

On amendment 51, I share Richard Lochhead's concern about the sale of animals on the internet. We should ensure that not just anyone can buy an animal and do as they please with it; that is very much an animal welfare concern. However, I would like to hear whether the minister shares my concern about the effect on legitimate sales of animals over the internet, which are a necessity when auction marts cannot be conducted on site because of restrictions on the movement of animals. Such sales have had to take place in the past and may need to take place in future. If auction marts need to conduct their auctions electronically, as has had to happen in the past, can the minister assure us that they will not be unnecessarily hampered?

**Rhona Brankin:** Amendment 51 seeks to ensure that the Executive makes regulations on the selling of animals on the internet within one year of the bill receiving royal assent. The Executive has already made a commitment to introduce regulations on the sale of animals, including internet sales. I reiterated that commitment when Mr Lochhead spoke to a similar amendment at stage 2. However, internet sales are not the only pressing issue on which secondary legislation under the bill will be required. Moreover, given the nature of internet selling, a common approach between Scotland and England and Wales is likely to be appropriate. Our officials will work closely with DEFRA to ensure that a workable proposal is consulted on and brought before Parliament as soon as is practicable. To require that such regulations must be made within one year of royal assent might adversely affect the degree of consultation that could be undertaken on the regulations and, ultimately, the quality of those regulations. Therefore, I strongly urge Parliament to reject amendment 51.

Amendments 52 and 53 are new proposals that Christine Grahame is bringing forward for the first time and, as such, they have not been consulted on. Amendment 52 proposes to make it an offence for a licensed pet shop to sell dogs and for any person in the course of business to sell a dog that is under eight weeks of age. Under existing legislation, it is already illegal for breeding and rearing establishments to sell dogs that are under eight weeks of age except within the pet trade. It is not legal for them to sell a dog that is under eight weeks of age to a member of the public.

I have a number of concerns about amendment 52. First, it would be grossly unfair to make it an offence, without any consultation whatsoever, for pet shops to sell dogs. Before any changes are made to existing animal-selling practices, the pet animal industry and other interested parties must be fully consulted. Secondly, such issues are best dealt with under secondary legislation rather than in the bill. The bill makes provision for such matters to be dealt with in secondary legislation and the Executive has already given a commitment to review the existing legislation on the selling of pets and on dog breeding.

Amendment 53 would provide Scottish ministers with powers to make regulations to require that any person who in the course of business sells a dog that is under eight weeks old must provide the purchaser with information about the care of puppies and about the puppy that is being sold. I have a number of concerns about the amendment. First, amendment 53 is contradictory to amendment 52 and it is unclear whether the information relates to the animal or the breeder. Secondly, on the wider issue, we asked in our

2004 consultation paper whether animal sellers such as pet shops should be required to provide information. It is intended that regulations will require pet shops and other establishments that sell pets to provide to purchasers information on the care of the animals that they provide. The bill already provides Scottish ministers with general powers to make regulations to ensure the welfare of animals, so the additional provision in amendment 53 is unnecessary.

I am sure that the issue that Mr Johnstone asked about will come up in the consultation.

I ask the Parliament to reject amendments 52 and 53.

**Richard Lochhead:** Briefly, I do not accept the minister's view that there are too many time constraints in amendment 51. The amendment would require that only some but not all of the regulations on the sale of animals over the internet would need to be made within one year of the bill receiving royal assent. On that basis, I will press amendment 51.

On the amendments in the name of Christine Grahame, I urge members to recognise that amendment 53 is an alternative to amendment 52—a softer option. I see no objection whatever to amendment 53 and I hope that members will support it.

16:15

**The Deputy Presiding Officer (Trish Godman):** The question is, that amendment 51, in the name of Richard Lochhead, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Ballard, Chris (South of Scotland) (Green)  
 Ballance, Mark (Lothians) (Green)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)

Johnstone, Alex (North East Scotland) (Con)  
 Kane, Rosie (Glasgow) (SSP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Martin, Campbell (West of Scotland) (Ind)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

#### AGAINST

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Muldoon, Bristow (Livingston) (Lab)

Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 50, Against 59, Abstentions 0.

*Amendment 51 disagreed to.*

#### **Section 24—Licensing etc of activities involving animals**

**The Deputy Presiding Officer:** We move to group 12. Amendment 13, in the name of Ted Brocklebank, is the only amendment in the group.

**Christine Grahame:** On a point of order, Presiding Officer. We have not voted on the other amendments in group 11.

**The Deputy Presiding Officer:** They appear later in the marshalled list. You will see that if you look at the marshalled list.

**Mr Brocklebank:** Amendment 13 would introduce a licence for the keeping of falcons. Forty years ago, there were about 1,000 falconers in the whole of the UK, but that number has increased more than thirtyfold. We have no idea how many falconers there are in Scotland, because there is no need for falconers to be registered or licensed. People need to be registered by DEFRA to keep most kinds of British birds of prey, but that is bird registration, not licensing.

Registration does not apply to foreign birds of prey. Harris hawks, which are the birds most widely used by the growing number of falconers, are imported from America and require no registration. Recently an eagle owl escaped from its tied perch in Linlithgow. The eagle owl is the biggest of all European owls and is quite capable of attacking dogs and cats, but it requires a registration document only if someone plans to use it for movies or commercial purposes. Movies apart, people can keep owls in their garden shed or tether them in their back garden, completely unregistered. In fact, so many imported eagle owls have escaped that they are becoming an indigenous British species again.

Consider this: a 15-year-old with wealthy parents can apply for an import licence, have a martial eagle—the largest eagle species in the whole of Africa—trapped and, after it is quarantined in the UK, pick it up totally unrestricted. Apart from the fact that the martial eagle is suffering a huge decline in Africa, these are birds that can kill antelope. Our 15-year-old could be seriously injured, as could a small child, by a giant eagle, yet no registration is required for the species. People do not have to be licensed to fly it or to charge the public money to watch it hunt.

**Alasdair Morgan (South of Scotland) (SNP):** Mr Brocklebank puts some arguments that will gain members' sympathy, but will he put the amendment in the wider context of Conservative policy, which is against regulation of all kinds?

**Mr Brocklebank:** There is regulation and regulation. When requests for regulation come from the industry, it is sensible for the Parliament at least to listen to them.

It is uniquely difficult to keep falcons in good health—people really need to know what they are doing. Uncontrolled falcons also have the potential to cause cruelty to other wildlife and, possibly, to domestic pets, so it is vital that they are kept and operated by responsible owners. The other day, a professional falconer wrote to me as follows:

"practised well, falconry deserves its status as the sport of kings, practised poorly it can be an ugly thing."

I submit that, too often, it is an ugly thing in Scotland at the moment. I do not believe that the measures in the bill are specific enough to control what is clearly a potential cause of bad welfare among birds of prey.

I move amendment 13.

**Ross Finnie:** After listening to the three-act drama that has just been played out by Ted Brocklebank, one would find it difficult to believe that his amendment states:

"leave out <an activity which> and insert—

<( ) any activity which involves the keeping of falcons".

No one listening to that drama would have been led to believe that. Of course, the three-act drama was not necessary. Anyone who has read section 24 will realise that it encompasses all animals and therefore all birds. To insert falcons into the wording would leave us with a construction that might allow the inference to be drawn that the section covered only falcons and no other birds. In my opinion, that would be an extremely poor amendment to the section.

Amendment 13 is wholly unnecessary. Section 24 is deliberately widely drawn to grant licensing

powers for all activities, so I urge Parliament to reject amendment 13.

**The Deputy Presiding Officer:** The question is, that amendment 13, in the name of Ted Brocklebank, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kane, Rosie (Glasgow) (SSP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Petrie, Dave (Highlands and Islands) (Con)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)

Martin, Campbell (West of Scotland) (Ind)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)

**The Deputy Presiding Officer:** The result of the division is: For 11, Against 88, Abstentions 6.

*Amendment 13 disagreed to.*

#### Section 25—Prohibition on keeping certain animals

**The Deputy Presiding Officer:** Amendment 5, in the name of Mark Ruskell, is in a group on its own.

**Mr Ruskell:** I welcome the Executive's intention to consult on the banning of wild animals in circuses, which was proposed in response to the genuine concerns that were voiced in the chamber

at stage 1 and, indeed, in response to the amendment in my name at stage 2.

I do not believe that there is a place for wild animals in circuses and I do not believe that the majority of the public believes that either. It is impossible to cater for the needs of animals that have evolved on the plains of Africa—lions, tigers and elephants—in the cramped and unnatural conditions of a travelling circus. I recognise that the bill has a heavy subordinate legislation agenda attached to it, but at this stage I seek further assurances from the minister that a ban on wild animals in circuses will be in place for the next circus season. We do not want to get into a situation in which there is no ban in Scotland but there is one in England, with the result that disreputable circuses decide to come up to Scotland to hold their summer season here. I plead with the minister to offer us assurances on the progress of the subordinate legislation.

I move amendment 5.

**Rhona Brankin:** During the stage 2 discussion of a similar amendment from Elaine Smith, I stated that although the issue of the private keeping of primates in Scotland is a concern, we estimate the scale of the problem to be small. Further general consultation is required to consider the issue of the keeping of primates in a wider context. That is why I made the commitment at stage 2 to have a general consultation on the keeping of unusual pets, which I hope will provoke debate and help to inform future policy in this area.

Consultation on the matter is essential and although it is clear from what Mark Ruskell said that there are strong voices in favour of a ban, other voices should be heard. We also need to look at detailed issues such as differences between species and whether any exceptions should be allowed. All that must be done before setting policy in stone on the issue. I appreciate that there are strongly held views on the matter, but I believe that setting an arbitrary time limit for the introduction of regulations under section 25 could lead to bad or unworkable legislation. Indeed, I do not think that I should give a commitment today to act on the issue of circuses by a particular time. Suffice it to say that we will do that as soon as possible. I ask Parliament to reject amendment 5.

**The Deputy Presiding Officer:** The question is, that amendment 5, in the name of Mark Ruskell, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**FOR**

Adam, Brian (Aberdeen North) (SNP)

Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Kane, Rosie (Glasgow) (SSP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Maclean, Kate (Dundee West) (Lab)  
 Martin, Campbell (West of Scotland) (Ind)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

#### **AGAINST**

Aitken, Bill (Glasgow) (Con)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley)

(Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tosh, Murray (West of Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 37, Against 73, Abstentions 0.

*Amendment 5 disagreed to.*

#### After section 28

*Amendment 52 not moved.*

*Amendment 53 moved—[Christine Grahame].*

**The Deputy Presiding Officer:** The question is, that amendment 53, in the name of Christine Grahame, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)

Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kane, Rosie (Glasgow) (SSP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Martin, Campbell (West of Scotland) (Ind)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

#### AGAINST

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)



Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 51, Against 60, Abstentions 0.

*Amendment 53 disagreed to.*

#### After section 34

**The Deputy Presiding Officer:** We move now to group 14. Amendment 32, in the name of Ross Finnie, is the only amendment in the group.

**Ross Finnie:** As I hinted to members earlier when we discussed the control of ragwort poisoning, amendment 32 will allow Scottish ministers to introduce statutory guidance on any matter that is considered appropriate to secure the welfare of protected animals. The ability to issue guidance under the animal welfare part of the bill is an important tool to promote animal welfare in Scotland. Guidance may apply generally or to particular groups of people.

We will of course be issuing general guidance on the bill, but that guidance will be different from the guidance on animal welfare codes. It will be more flexible and will not attract the same parliamentary procedure. It will be instructive but not binding. As I said earlier to Dr Elaine Murray, we intend to introduce statutory guidance on the control of ragwort.

We believe that the package of measures will enhance our ability to issue codes in order to effect more suitable arrangements.

I move amendment 32.

*Amendment 32 agreed to.*

#### Section 35—Deprivation orders

*Amendment 33 moved—[Ross Finnie]—and agreed to*

#### Section 36—Disqualification orders

*Amendments 34 to 39 moved—[Ross Finnie]—and agreed to.*

#### Schedule 2

##### MODIFICATION OF ENACTMENTS

**The Deputy Presiding Officer:** We move to group 15. Amendment 40, in the name of the minister, is grouped with amendments 41 to 44.

**Rhona Brankin:** Amendments 40 to 44 are technical amendments that make changes to schedule 2. Amendments 40 to 42 reinstate the definition of livestock, and certain other definitions, in section 8 of the Agriculture (Miscellaneous Provisions) Act 1968. Those definitions are necessary for the interpretation of sections 4 and 5 of that act, which are retained.

Amendments 43 and 44 remove two acts from the list of acts to be repealed. I ask the Parliament to accept amendments 40 to 44.

I move amendment 40

*Amendment 40 agreed to.*

*Amendments 41 to 44 moved—[Ross Finnie]—and agreed to.*

**The Deputy Presiding Officer:** That ends the consideration of amendments.

## Animal Health and Welfare (Scotland) Bill

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a debate on motion S2M-4267, in the name of Ross Finnie, that Parliament agrees that the Animal Health and Welfare (Scotland) Bill be passed.

16:25

**The Minister for Environment and Rural Development (Ross Finnie):** The Animal Health and Welfare (Scotland) Bill is an important vehicle that will ensure that the vision that is set out in our animal health and welfare strategy can be realised in Scotland. That strategy sets a goal for raising animal health and welfare standards for the benefit of animals, animal keepers and society as a whole. In particular, it provides for the raising of standards being progressed through partnership between all stakeholders: the Government, the veterinary profession, the livestock sector, other animal keepers and animal welfare organisations.

From its inception, partnership working has been at the heart of the Animal Health and Welfare (Scotland) Bill, so the consultation process enabled us to refine the first draft of the bill. That process of refinement has continued during the bill's progress through the parliamentary and committee stages. I believe that we now have a bill that will make a significant difference to animals and animal keepers in Scotland, and which is flexible enough to stand the test of time.

Part 1 of the bill, which we have considered again, will amend the Animal Health Act 1981. It reflects advances in science and risk assessment since that time. The recent disease outbreak shows us how real the threat of an outbreak of an exotic animal disease is here in Scotland. If the bill is passed today, we will have enhanced the legislative framework. That framework, combined with our existing contingency planning process, means that we will be even better prepared to prevent, and to respond quickly and effectively to, an outbreak of an exotic disease. We will be in a better position to protect animal health and to minimise the impact on our economy, environment and society.

During the committee stages of the bill, it became clear that there was a significant desire to ensure maximum transparency in the exercise of the new slaughter powers. I believe that amendment 14, which was lodged by Maureen Macmillan and which we have accepted today, will provide that greater transparency. It will ensure that ministers will be held responsible for enacting their powers and that, in particular, they will have to show Parliament that they have met the

requirements of the 1981 act. They will have also to demonstrate that there is a disease and that the powers that they are exercising will result in control of that disease.

The majority of the provisions in part 2 of the bill have been universally welcomed. The committee stages have allowed us to clarify certain issues and to strengthen provisions following the Environment and Rural Development Committee's stage 1 report.

During the stage 1 debate, I commented that the key provision in the welfare part of the bill is that it will introduce a general duty on a person to ensure the welfare of any animal for which he or she is responsible. To comply with that duty of care, owners and keepers will need to understand their responsibilities and take all reasonable steps to provide for the needs of their animals, to the extent that will be required by good practice. The importance of the duty of care cannot be exaggerated; it is at the heart of the welfare part of the bill. Once that duty is established, it is clear how the other provisions in the welfare part will flow from it. I believe that the amendment at stage 2 that introduced care notices will help to ensure that the duty of care is implemented appropriately and proportionately. A care notice will give an individual who is failing in his duty of care the opportunity to comply with that duty and thereby to avoid prosecution. We strongly believe that the provision will encourage early intervention and prevent animal welfare problems from escalating.

Overall, the welfare part of the bill illustrates Scotland's commitment to modern animal welfare legislation and shows that we take seriously individuals' responsibility for their animals.

However, the bill is only the start. It provides the essential flexible statutory framework, but the true test of the legislation will be in how the new provisions are implemented and in the wide programme of secondary legislation that will be required after enactment.

The bill is important—I commend it to Parliament.

I move,

That the Parliament agrees that the Animal Health and Welfare (Scotland) Bill be passed.

16:30

**Sarah Boyack (Edinburgh Central) (Lab):** I thank all the members of the Environment and Rural Development Committee and its clerks for the huge amount of work that was carried out in scrutinising and debating the bill at stages 1 and 2. I agree with Ross Finnie that our discussion during those stages was detailed; in a sense, it reflected the complexity of the bill's provisions. The bill is

much stronger for the responses that we had from the Executive and from the input of the organisations, members of the public and key interest groups who helped the committee to deal with issues that were often very difficult.

The debate on tail docking today did not give a full sense of the huge weight of evidence that we considered at committee, or of the difficulty of some of the decisions. The committee did not take those decisions casually; its members—who are from different political parties—took them only after much consideration. The bill is better for that level of discussion.

In the stage 3 debate today, we did not discuss a number of the important issues in the bill. Although we debated the framework of provisions that set out where responsibility for care of animals lies, we did not have many of the other detailed and comprehensive discussions that are needed to make the bill better legislation; for example, we did not debate in any depth one of the key provisions of the bill, which is the creation of the new offence of not preventing harm or unnecessary suffering, and we did not spend much time debating the fact that people under 16 will no longer be able to own pets. That provision is important and says that only an adult can be responsible for looking after the welfare of a family pet.

We also have not fully debated some of the biggest and most long-lasting benefits of the bill. Maureen Macmillan's contribution on animal fights was passionate and powerful and I was glad to hear the minister say that Parliament will revisit the issue. Trade in such animals is abhorrent; anyone who is involved in it needs to be clear that it is illegal and that it will be stamped out. I am grateful to Maureen Macmillan for continuing to push on that issue today.

There is much in the bill that is important and not all of it is about punishing people for not taking care of animals. It is much more about encouraging people to meet higher standards of animal welfare. The long-term benefits of the bill will come from the codes, regulations and licensing powers that will be important in regulating the bill's provisions. If I have a regret, it is that it will take so long to put in place some of those regulations and codes. The framework of the bill is excellent—the Executive has moved forward on animal welfare. In the minister's summing up, I would be keen to hear reaffirmation of the importance of ensuring that the codes and regulations are put in place.

For people who are involved in pet fairs, people who run livery yards and pet sellers the issues need to be addressed. That is also the case in relation to animal sanctuaries and the use of wild animals in circuses, about which concerns were

raised at committee and today. Those issues need to be addressed urgently and not left for years to come. We still do not have provisions on snaring that were discussed some years ago during the passage of the Nature Conservation (Scotland) Bill. Parliament needs to ensure that good legislation is followed swiftly by implementation measures.

In addition to the introduction of codes, there will also be processes around inspection and enforcement, which are crucial and are needed as a backstop. There are people out there who will not take responsibility for the welfare of their animals and there are those who will make animals suffer. Parliament needs to tell them very clearly that society does not accept that. Local authorities will be responsible for enforcing the regulations—much work needs to be done in that regard.

All of us should welcome the passage of the bill, so I hope that that will happen at decision time today. The bill will lead to the improvement of animal health and welfare, which the whole Parliament should celebrate.

16:34

**Mr Mark Ruskell (Mid Scotland and Fife) (Green):** I welcome this final debate on the Animal Health and Welfare (Scotland) Bill. Along with my Green colleagues, I look forward to voting for it tonight.

As a Parliament, we often underestimate the strength of compassion and concern that the people of Scotland feel towards animals, and the strength of their horror when abuse takes place. Our attitude to animals seems to be the barometer of a civilised society. The animal welfare legislation that was passed at the beginning of the 20<sup>th</sup> century came at a pivotal period of change, so it is appropriate that the young Scottish Parliament should engage in constructing legislation that is fit for a new century.

I am delighted that Parliament stood firm and listened to logic on tail docking. The issue is small in the context of the bill, which covers many health and welfare issues, but the debate focused minds on the barometer of what is acceptable in modern Scotland. The ban will be monitored and I hope that veterinary surgeons, the Scottish Society for the Prevention of Cruelty to Animals, the Scottish Kennel Club and the responsible people who work dogs in the countryside will help the Executive to carry out monitoring in the coming years.

More significant than the ban on tail docking is the new duty of care that the minister outlined. The approach will allow cases of animal abuse, which are currently extremely difficult to prosecute, to be brought to court. I have talked to people at the

sharp end of animal welfare and I know that the new duty will be a significant new tool that sets the tone of much of the rest of the bill. It is clear that animals suffer at the hands of people who are ignorant about how to keep them or who are insensitive to their needs. Such a situation cannot be tolerated in 21<sup>st</sup> century Scotland.

I remain concerned about the choices and decisions that will be made during a major animal disease outbreak—which is surely a matter of “when”, not “if”. During consideration of the bill, ministers heaped assurances on us about their intention to seek advice, about their innate accountability to Parliament and about the lessons that have been learned from the foot-and-mouth disease outbreak in 2001. I trust that everything that has been promised will come to pass when the next major disease outbreak happens, but I am concerned that the bill, like other bills that Parliament has passed, represents a style of legislation that is dependent on faith in ministers and subordinate legislation to deliver a raft of goodies after a bill is passed.

Only one subject committee in Parliament deals with more subordinate legislation than the Environment and Rural Development Committee, of which I am a member, and I am concerned that parliamentary scrutiny of much subordinate legislation is becoming weaker as the second session of Parliament continues. The stacking up of as many as five pieces of subordinate legislation per week presents an impossible challenge for committees. For example, there is uncertainty in the Convention of Scottish Local Authorities about the financial implications for local authorities of much of the subordinate legislation that will flow from the bill. The Environment and Rural Development Committee has not been able fully to consider and scrutinise such matters. I am a little bit uncomfortable about that.

Overall, the bill is good. I look forward to its becoming an act, and to seeing how its many constructive provisions will directly improve the welfare of our much-loved animals in Scotland.

16:37

**Rob Gibson (Highlands and Islands) (SNP):**

We are dealing with a large bill and today we have reached the final stage of scrutiny. I echo Mark Ruskell's remarks: the bill is of such a size that we have not been able to consider every aspect of it in detail in the time that has been available, which is a difficulty not because the provisions are necessarily controversial but because it is important that members understand how the provisions will be implemented.

Local authorities will have a major role in implementing many of the regulations that will be

made. Local authority officers will have much extra work and must take on new roles, which will have training implications. COSLA is right to question whether the new burdens have been taken on board and the extent to which local authorities will be funded to carry out their new functions. It would be useful if ministers could reassure us that they will keep a close eye on the matter.

On animal health, members of all parties think that if there is an outbreak of an exotic disease there should be maximum communication between the Government—which must control and eradicate the disease—elected members of Parliament and the public, who will expect a proportionate response. We had a good debate on amendments to section 1 and there were close votes on amendments that would include in the bill a requirement to consider scientific and veterinary advice.

We took our decisions knowing full well that ministers will be given powers that are wider than any they have had previously. We hope that ministers will operate within the spirit that Parliament intends and that they will take a more communicative approach than has been the case in the past, and one that involves learning from the experience of other countries.

The bill raises many controversies. I am concerned about the resources that are available in the Scottish Executive Environment and Rural Affairs Department to produce all the required secondary legislation. I recall Sarah Boyack's remarks on that during the stage 1 debate on the bill. I am also concerned about the time that will take. Do the ministers believe that we have enough civil servants who can write the material in as short a time as possible? Given the time that we had to discuss the bill, it will be of great interest to us to know how soon the regulations will be in place.

Tail docking has caused considerable controversy. I am glad that we will now have time to look for peer-reviewed evidence on both sides of the argument—the committee could not find such evidence. It is interesting to hear people persisting in the suggestion that custom outweighs the arguments of science and reason. I hope that ministers will be able to justify any decisions that they make.

I thank members for the debate on a most important bill that will affect a large number of living beings in our countryside. One has only to look round the countryside to see how many animals the bill will help.

16:42

**Alex Johnstone (North East Scotland) (Con):**

The bill is sound and I will vote for it at decision

time. However, we must reflect on the fact that Scotland has a relatively good record on animal welfare. Therefore, there is nothing in the bill that should not impact positively on those who keep or who are responsible for animals. It is interesting that the great debates that we have had during the passage of the bill have not been about whether ensuring animal welfare in particular policy areas is good or bad; they have been about how we can best legislate to ensure that animal welfare is upheld. There is no greater example of that than the debate on tail docking, in which people have lobbied consistently for a considerable period on the basis that tail docking is for the welfare of working dogs because it ensures that they are not subject to tail injuries in their working environment. I am glad that there will be further opportunity to make representations before the secondary legislation is introduced.

That leads me to one of my concerns about the bill, which is about the volume of decision making that is yet to be done through secondary legislation. It is good to have a debate in Parliament about amendments and suggestions, but it is difficult to offer input in the secondary legislation process, particularly with instruments that are subject to the negative procedure, in respect of which the only option is to move for annulment. It is important that we ensure that the debates that have begun today are continued and widened when the secondary legislation is produced and considered.

On disease outbreaks and similar circumstances, I am pleased that the minister will have the right to act on the spur of the moment. I saw closely what happened during the foot-and-mouth disease outbreak some years ago, so I know that it is absolutely essential that ministers have the right to act. Thereafter, they will be accountable to Parliament, but they must not be required to consult before decisions are made. I am therefore delighted that we rejected the idea of an across-the-board plan to which ministers would have to stick at times of crisis. It is essential that ministers have the right to decide in the event of an emergency.

I am pleased that we have addressed a number of other issues, including circuses. I had hoped to participate in the debate on that, but unfortunately did not push my button in time. It is important that in the future we address the issue of wild animals being kept by, and travelling with, circuses. There is no place for wild animals in circuses. However, circuses have a role in celebrating the symbiotic relationship that has for millennia existed between human beings and certain other species. For that reason, I am concerned, when Mark Ruskell starts talking about wild animals, that he includes elephants. Outside Africa, throughout the rest of

the world, elephants are more a domestic than a wild species.

There is some dispute about what constitutes a wild animal, but the legislation has attracted unanimity in most areas. That is highlighted by the fact that there have been few areas that we have had cause to debate. I look forward to supporting the bill at decision time.

16:46

**Irene Oldfather (Cunninghame South) (Lab):** I had the opportunity to speak in the stage 1 debate and I am impressed by how far we have travelled since then in framing the bill.

I thank the Environment and Rural Development Committee for the work that it has put into the bill; indeed, the rigorous scrutiny that the committee undertook enabled greater clarity to be brought to the bill. The committee was right in the way in which it evaluated the information on tail docking. How we treat our animals is a measure of how humane we are as a society. The bill contains a raft of measures that will drive forward animal welfare standards and bring legislation into the 21<sup>st</sup> century. I am particularly pleased that Parliament has voted to ban tail docking without exemption. In doing that, we have shown that in Scotland we are not afraid to be different. We are leading the way in animal welfare.

That brings me to my next point regarding animals in circus performances. Alex Johnstone and I rehearsed some of the arguments in the stage 1 debate. I have not changed my mind, although I think Alex Johnstone has moved a little bit since stage 1. The Deputy Minister for Environment and Rural Development made it clear that she would introduce secondary legislation to deal with performing animals, including those in circuses. I accept what the minister has said today about the need for consultation. In relation to circuses, I have found very little support in my constituency and throughout Scotland for the continued use of wild animals in that way. I trust that the deputy minister will conclude the consultation as soon as possible and introduce the secondary legislation that she promised us.

Mr Finnie said in his opening remarks that this is only the start and that a number of issues will be revisited. I urge the minister to consider further a point that I raised at stage 1 in relation to the definition of "animal". The scientific panel on animal health and welfare of the European Food Safety Authority—a highly reputable body—has concluded, after examining the scientific evidence, that crustaceans feel pain and distress. I ask the minister to reaffirm that that evidence will be examined once again. It is for that reason that Austria, New Zealand, Queensland, Norway and

the Australian Capital Territory have all recognised that in the definition of “animal” in their legislation.

I conclude by referring to the duty of care that will be imposed by the bill, which I also mentioned at stage 1. It is at the heart of the bill and I hope that it will send a clear message that we as a society will not tolerate animal cruelty. In passing the bill, we represent the views of civic Scotland and, in particular, we represent the views of our young people. I commend the bill to Parliament.

16:49

**Nora Radcliffe (Gordon) (LD):** Liberal Democrats welcome and support the bill. It is a good bill that should stand the test of time. It has been framed to allow the law to change as scientific knowledge and understanding advance and as social attitudes to a range of practices and our treatment of animals change.

The first part of the bill will update the legislative framework within which we prevent or, if necessary, deal with outbreaks of animal disease. The recent experience of such an outbreak meant that we were in no doubt about the importance and seriousness of the provisions of that part of the bill.

Some concern was expressed about the wide powers that will be given to ministers and about how parliamentary scrutiny of the exercise of the powers could be achieved without putting barriers in the way of rapid and effective action. I believe that that has been addressed by Maureen Macmillan’s amendment 14, which was passed this afternoon.

The second part of the bill will fundamentally change how the law will deal with the welfare of animals. It signals a move from punishing cruelty to animals to the more positive and effective ethos of promoting animal welfare. That said, I welcome the increase in maximum penalties for cruelty to animals, which reflects the seriousness of such offences.

Punishment is at one end of the spectrum—the end at which we deal with instances in which we have failed to protect animals. At the other end of the spectrum, however, is the provision to allow inspectors to issue care orders, which is a provision that inspectors welcome. It will allow a much more sensitive and proportionate response to situations in which the owner or keeper of an animal is endangering the welfare of an animal not through deliberate cruelty, but through lack of knowledge or awareness. That has been an excellent addition to the provisions in the bill.

This is a brief debate. As Sarah Boyack said, there are many issues that must be pursued further as we deal with the secondary legislation

and, perhaps, as we deal with other legislation that will involve, for example, the recording of violence.

I agree with Rob Gibson about the need to ensure that there are adequate resources, including of manpower and training, to implement the measures in the bill. On the issues that Irene Oldfather raised about circuses, performing animals and exotic pets, I flag up the fact that it will be important to bear in mind that animals whose only experience has been as a captive or a performing animal must be dealt with carefully. Any legislation that is brought in to stop such practices must have some sort of tapering period or some other way of ensuring that we are not inadvertently cruel to animals in such circumstances.

The bill will consolidate, modernise and strengthen animal welfare legislation and it provides proportionate and enforceable sanctions against animal cruelty and neglect. I am happy to say that it delivers Liberal Democrat manifesto commitments and commitments that were made as part of the 2003 partnership agreement. It will, therefore, be no surprise that Liberal Democrats whole-heartedly commend the bill to Parliament.

16:53

**Mr Ted Brocklebank (Mid Scotland and Fife) (Con):** Today’s debate has been robust and—as it has been the first stage 3 debate that I have led for my party—enjoyable. It is important that the proper framework for animal health and welfare is achieved in Scotland. We are not only a major agricultural nation; we also operate a valuable and healthy game sport industry. The existing legislation was outdated and confusing and, although aspects of the proposed new legislation might also lead to confusion, I am in no doubt that what is proposed is a considerable improvement on what exists at the moment.

The evidence that the committee took was wide ranging and challenging, if, at times, contradictory. As Mark Ruskell reminded us, in its widest sense, the bill should improve the general welfare of animals in Scotland. That is no mean ambition.

It will come as no surprise to anyone that I profoundly disagree with the Executive’s decision not to exempt working dogs from the tail-shortening provisions in the bill. The Conservatives will certainly monitor injuries to the tails of working dogs. Of course, that evidence could take up to three years to find because pups left undocked now will not be ready to work for at least two years.

On animal health, we agree with the Executive that a key objective in any disease-control strategy is to minimise the number of animals that need to be slaughtered. We accept that the minister has to

be able to act with great speed in deciding on extended powers of slaughter. However, despite what he has said, I still find it hard to understand why he is opposed to the inclusion in the legislation of the simple phrase that would ensure that such powers would be taken by the minister

“only after appropriate scientific and veterinary advice”.

Although ministers today poured scorn on my attempt to introduce licensing for falconries, let us hope that their ribaldry does not come back to haunt them. In my view, unsupervised, unskilled falconry in Scotland is an accident waiting to happen. Today, the Parliament failed to send the right signal and refused to consider the licensing of falconers. However, I look forward to having further discussions with the minister or deputy minister about how my fears—and those of many falconers—might be addressed.

As Alex Johnstone said, we will support the bill today. I regret that such a well-meaning and, in part, well-crafted bill is undermined by what I believe to be an ill-considered and wrong-headed proposal on tail docking. However, despite that reservation, we will of course vote to pass the bill today.

16:56

**Richard Lochhead (Moray) (SNP):** When a member is the second-last person on their feet in a stage 3 debate, most of what they wanted to say has often been covered by the other speakers. However, I start by saying that those of us who campaigned for the establishment of the Scottish Parliament and voted for it in the referendum in 1997 did so because we wanted a Parliament that would modernise legislation in Scotland and bring new, progressive legislation on to the statute book as well as making sure that it was up to date with public opinion in Scotland. The bill that we will—I hope—pass in a few minutes’ time achieves those aims.

The debate has been controversial and complex at times. I pay tribute to all those who gave evidence, particularly to the Environment and Rural Development Committee, of which I am a member. We received an enormous amount of evidence, much of which conflicted, and it was difficult to sort out which evidence we should use to reach conclusions on some of the difficult questions. As the member for Moray, I was contacted by constituents on both sides of the debate on, for example, tail docking. Such debates are difficult, and we cannot please all the people all the time. When legislation comes before us, we have to consider complex issues and sort out what is right at the time.

The Animal Health and Welfare (Scotland) Bill is an enabling bill, so many of the issues that we

have debated today will come before the Parliament again. I hope that there will be full consultation with the committees and an opportunity for maximum input. The secondary legislation on some issues will take a few years to come through, as has been discussed, but we hope that the Government will bring forward many of the most important provisions, which we have celebrated today, as soon as possible.

Part 1 of the bill is on animal health, which is extremely important to the livestock industry and the wider agricultural sector in Scotland, both socially and economically. That is why part 1 is so important. It is horrible to contemplate the idea that we could experience another outbreak of an exotic disease, but of course Scotland has been through that as recently as 2001; we also had the recent avian flu scare. The bill gives ministers huge powers of slaughter and we urge the minister to use them wisely should there be a call for him to do so.

Amendment 1 sought to insert the following provision:

“Before exercising a power of slaughter conferred by paragraphs 1 to 6 the Scottish Ministers must be satisfied, on the basis of veterinary and scientific advice, that it is necessary to do so in order to prevent the spread of disease.”

The amendment was defeated by only four votes. The Parliament sent the Government a message on the issue. The minister must be aware that the committee and members from all political parties take the matter seriously and believe that a condition should have been attached to the licence to kill that the Parliament has given ministers. The images of bonfires of burning carcasses that we saw in 2001 were not popular. We are not complaining about the fact that such scenes took place, but we all want to make sure that steps are taken to ensure that they are not repeated and that the power to slaughter is regarded as a power of last resort.

Part 2 of the bill is on animal welfare. Like others, we welcome the introduction of a duty of care on those who keep animals and the powers that the bill gives inspectors to seize animals who are suffering or to make pre-emptive moves to seize animals that are likely to suffer. That is a welcome step forward. Society generally is becoming a lot more intolerant of animal cruelty, and that is reflected in the bill.

I—indeed, we—must pay tribute to the Scottish Society for the Prevention of Cruelty to Animals, with which many of us spent a day in the run-up to stage 1, for its work to promote animal welfare and prevent cruelty wherever possible.

I hope that the deputy minister will refer to resources, particularly for local government, which

have been mentioned. COSLA and others have said that until the secondary legislation is produced, they will not know what resources are required to meet their obligations under that legislation. I hope that the dialogue will continue with local government.

One issue that has not really been discussed today but which was discussed at stage 1 is the need to prevent diseases from entering Scotland in the first place—that relates to preventing the spread of diseases under part 1. To prevent diseases from entering Scotland, the Parliament needs powers to prevent the importation of illegal meat, for example, which was a big issue during the foot-and-mouth outbreak in 2001. I am interested to hear from the deputy minister what our Government is doing to ensure that our ports of entry in Scotland are policed and made secure against the importation of illegal meat and other items that could bring exotic diseases into Scotland.

House of Commons committees have made many recommendations, some of which have been implemented and some of which have not been implemented. I would welcome ministers' feedback on those important issues, because the best way to prevent diseases from spreading in Scotland is to stop them from arriving in Scotland.

The Scottish National Party commends the bill to Parliament.

17:01

**The Deputy Minister for Environment and Rural Development (Rhona Brankin):** This afternoon, we have come to the end of a legislative process that began with the partnership agreement commitment to introduce animal welfare legislation in this parliamentary session.

I thank all members for what has been at times a passionate debate. For the record, I give special thanks to the stakeholders who worked closely with us on the bill, both constructively and critically, and I draw special attention to the SSPCA and the British Veterinary Association in that regard.

The bill provides us with the flexibility to deal with an exotic animal disease outbreak and a solid framework for animal welfare legislation in Scotland for the next 100 years. Our initial proposals attracted widespread support and elicited many useful contributions and, as members have said, the parliamentary process has allowed us to refine the bill to reflect issues when appropriate.

I will touch on some of the more controversial issues that relate to the bill. Ross Finnie spoke of the disease control slaughter statement, which

must explain why a decision to slaughter to prevent disease spread has been made before any measures are taken. We know that a decision to slaughter animals can have far-reaching consequences and is therefore never taken lightly. We believe that the bill as amended will provide the process for making a decision to slaughter with the necessary transparency for Parliament and the public.

One of the most controversial issues in relation to the animal welfare part of the bill has been the docking of dogs' tails. Like Ross Finnie, I accept that sincere opposing views are held on that matter, but I must state that it was the stage 1 evidence to the Environment and Rural Development Committee that persuaded the Executive that no conclusive case existed for an exemption to allow the docking of working dogs.

Other matters have been raised further through the parliamentary process, such as electric shock collars, and I believe that we have taken the correct approach to such issues. We have listened carefully to the arguments, examined the evidence and agreed to take action where necessary.

The bill represents the most significant revision of animal welfare legislation for almost 100 years, and it is understandable that animal welfare organisations and animal interest groups have used the opportunity to raise the profile of topics. As members have mentioned, the framework approach of the welfare part of the bill enables those topics to be dealt with in secondary legislation, which is entirely appropriate. Using secondary legislation will allow us to respond quickly to future advances in animal welfare without having to wait for a suitable gap in the timetable for primary legislation.

We have not touched on some important principles in the bill that I feel deserve a mention. One is that responsibility for animals must lie with adults—Sarah Boyack mentioned that. The bill makes it clear that parents or guardians are responsible in law for the treatment of their children's animals.

It is also important that the bill allows inspectors for the first time to take pre-emptive action to remove an animal from situations in which it is likely to suffer. That is a significant step forward from the existing law, which allows action to be taken only after an animal has suffered.

We have listened throughout the legislative process and consequently amended the bill in a number of ways. We have clarified the offence of abandonment and increased the range of penalties that it attracts; introduced care notices to be served by an inspector where they believe that doing so is appropriate; increased the penalties that are available for the most serious acts of



animal abuse; and introduced offences relating to recordings of animal fights. There has been criticism that the animal fight recording provision does not go far enough—some people want an offence of simply possessing an animal fight recording to be created—but I hope that we have reassured members that there should be an opportunity to consider the possession of recordings of animal fights in the context of the work on extreme pornography.

Sarah Boyack was right: delivering the bill is only the first step. In the next few years, our officials will undertake a huge programme of secondary legislation that will include in the first instance provisions on mutilations, pet animal dealers, animal sanctuaries, livery yards, riding establishments, travelling circuses, animal gatherings, pet fairs and animal boarding establishments. We have brought forward the timing for regulations on animal sanctuaries following the issue's high profile in committee, and, following concerns that have been raised, we intend to consult further on issues such as electric shock collars and the private keeping of unusual pets.

I reassure Irene Oldfather that we will keep a close eye on the current European Union review of the sentience of cephalopods and crustaceans. If evidence becomes available, the Executive will, of course, consider those findings and review our policy.

The bill will begin to make its true contribution to improving animal health and welfare in Scotland through the delivery of that programme of secondary legislation. The Executive is committed to meeting the challenge that has been presented, and I know that the committee is looking forward to working with us in that respect.

I commend the motion to the Parliament.

**The Presiding Officer (Mr George Reid):** Earlier, we extended the time for proceedings by 10 minutes, which means that decision time will be at 17.10. I therefore suspend the meeting for just over a minute.

17:07

*Meeting suspended.*

17:09

*On resuming—*

## Business Motions

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of business motion S2M-4466, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Wednesday 7 June 2006

2.30 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Finance Committee Debate: 5th Report 2006, Cross-cutting Expenditure Review of Deprivation
<i>followed by</i>	Business Motion
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Thursday 8 June 2006

9.15 am	Parliamentary Bureau Motions
<i>followed by</i>	Subordinate Legislation Committee Debate: 21st Report 2006, Inquiry into the Regulatory Framework in Scotland – Draft Report
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Continuation of Stage 3 Proceedings: Interests of Members of the Scottish Parliament Bill
11.40 am	General Question Time
12 noon	First Minister's Question Time
2.15 pm	Themed Question Time— Environment and Rural Development; Health and Community Care

2.55 pm	Executive Debate: Climate Change
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Wednesday 14 June 2006

2.30 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Final Stage Proceedings: Waverley Railway (Scotland) Bill
<i>followed by</i>	Business Motion
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Thursday 15 June 2006

9.15 am Parliamentary Bureau Motions  
*followed by* Executive Business  
 11.40 am General Question Time  
 12 noon First Minister's Question Time  
 2.15 pm Themed Question Time—  
 Justice and Law Officers;  
 Enterprise, Transport and Lifelong  
 Learning  
 2.55 pm Executive Business  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time—[*Ms Margaret Curran.*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motions S2M-4467 to S2M-4470, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out timetables for legislation.

*Motions moved,*

That the Parliament agrees that the timetable for completion of consideration of the St Andrew's Day Bank Holiday (Scotland) Bill at Stage 1 be extended to 29 September 2006.

That the Parliament agrees that consideration of the Bankruptcy and Diligence etc. (Scotland) Bill at Stage 2 be completed by 17 November 2006.

That the Parliament agrees that consideration of the Christmas Day and New Year's Day Trading Day (Scotland) Bill at Stage 1 be completed by 24 November 2006.

That the Parliament agrees that consideration of the Health Board Elections (Scotland) Bill at Stage 1 be completed by 26 January 2007.—[*Ms Margaret Curran.*]

*Motions agreed to.*

## Parliamentary Bureau Motion

17:10

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of a Parliamentary Bureau motion. I ask Margaret Curran to move motion S2M-4478, on substitution on a committee.

*Motion moved,*

That the Parliament agrees that Margaret Smith be appointed to replace Euan Robson as the Liberal Democrat Party substitute on the Health Committee.—[*Ms Margaret Curran.*]

**The Presiding Officer:** The question on the motion will be put at decision time.

## Decision Time

17:10

**The Presiding Officer (Mr George Reid):** There are two questions to be put as a result of today's business. The first question is, that motion S2M-4267, in the name of Ross Finnie, that the Parliament agrees that the Animal Health and Welfare (Scotland) Bill be passed, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the Animal Health and Welfare (Scotland) Bill be passed.

**The Presiding Officer:** The second question is, that motion S2M-4478, in the name of Margaret Curran, on substitution on a committee, be agreed to.

*Motion agreed to.*

That the Parliament agrees that Margaret Smith be appointed to replace Euan Robson as the Liberal Democrat Party substitute on the Health Committee.

## Fife's Coastline

**The Deputy Presiding Officer (Murray Tosh):**

The final item of business today is a members' business debate on motion S2M-4434, in the name of Andrew Arbuckle, on Fife's coastline. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament recognises that Fife has some of the most beautiful coastline in Scotland; further recognises that the Scottish Executive has made efforts to clean up our coasts and seas, particularly through the Scottish Coastal Forum; recognises that the local tourism industry depends on Fife having clean beaches and seas; understands that there is much work still to be done and that some of our coastline is still littered with rubbish and other pollution, and considers that the Executive and other relevant public agencies should redouble their efforts in cleaning up the coastline and seas for our own quality of life, for tourism, for wildlife and for future generations.

17:12

**Mr Andrew Arbuckle (Mid Scotland and Fife) (LD):** For those who are into clichés, a current debate on the coastline of Fife could transform into one about the good, the bad and the ugly—more specifically the very good, the unnecessarily bad, and the avoidability of the ugly.

The ugly is the potential disaster if the proposed ship-to-ship transfer of oil is allowed in the Forth estuary. Sadly, it seems that all the bodies that are against it, from the local authorities through to the Scottish Executive, will have little say in the final decision. It appears that the Executive can only swing on the proverbial environmental branch created by a European Union directive to prevent the operation from going ahead. The big decision appears to lie with the United Kingdom Government, with its responsibility for shipping.

However, there is also the paradox of the applicant and a potential financial beneficiary, the Forth Ports Authority, being part of the decision-making process. I urge the Deputy Minister for Environment and Rural Development to do all within her powers of persuasion to ensure that this business operation does not go ahead in the Forth estuary. The public do not understand the complexities of who is or is not legally responsible for dealing with the issue, but they know that they elect representatives to reflect their views—and their view is very much that they do not want this business on their doorstep.

When the issue was last debated, in our temporary home up the road, Jim Wallace indicated that he would welcome more ship-to-ship oil transfer in his part of the world. I do not believe that it displays a nimby attitude to say that the shelter of Scapa Flow would be better for this type

of operation than the open seas in the Forth estuary.

If that is what comes under the heading of ugly in relation to the Fife coastline, what constitutes the bad? To my mind, it is the mindless littering of some of our most scenic areas. I add that Fife is no better or worse than other parts of Scotland—in fact, to my mind, litter is a national disgrace.

Fife Council has performed remarkably well in achieving blue flag status on a number of sites, thus providing a safe and clean environment in those locations. However, many other beauty spots rely on local voluntary help to keep them free of litter. Earlier in the year, I took part in one litter pick at Kinghorn and everyone who took part could confirm that we live in a throwaway society. Marine waste and visitor litter were both highly visible and bags of rubbish were collected. Mostly it was tin cans and plastic rubbish, but other, more esoteric litter was also picked up. The Marine Conservation Society and other organisations such as the Friends of the Forth are to be congratulated on their efforts, but until we can convince people not to litter, there should be more rigorous enforcement of legislation.

Sadly, no single organisation appears to have responsibility for marine litter and we should be advancing that issue to protect our remarkable coastal areas. If we spent a fraction of the cash that is wasted on picking up litter on enforcement and education, I am sure that we would be far better off. I welcome Fife Coast and Countryside Trust's clean team initiative and their proposal for a rapid-response litter task force that will go into areas where dumped rubbish is a problem.

So, we come to the good part of Fife. Thanks to the creation of the Fife coastal path, we are experiencing a new type of visitor to the ancient kingdom. Research by the trust shows that more than half of those who come to Fife do so because of the views, the scenery and the heritage. Tourism is now a major driver of Fife's economy and maximising our visitor assets is essential for our future. However, if we are relying on the physical assets of Fife to drive the economic wheels, we must ensure that the approach is sustainable. Coastal protection is essential. That might come with restrictions on development, and it might come by developing footpaths away from the coastline.

I said that there were three strands to my debate and I hope that the first—the ship-to-ship transfer of oil—will disappear over the horizon. I also hope that the second—litter—will disappear as society realises the damage that it does to our environment. The third strand of my speech—my reflection on the beauty of the Fife coast—reflects my hope that it will provide the background to a booming tourist industry.

17:17

**Tricia Marwick (Mid Scotland and Fife) (SNP):**

I welcome the debate initiated by Andrew Arbuckle. It is on days such as today that I know that I live in God's kingdom. The train journey through Aberdour, Burntisland and Kinghorn is quite stunning and, on the nice sunny mornings that we get on occasion, it really does look like an impressionist painting as I look over the Forth to Edinburgh.

Sadly, after Kirkcaldy, the east coast line cuts into the countryside, so our beautiful east neuk coastline is not seen. That might be an argument for reopening some of our disused railways.

Andrew Arbuckle was right to draw attention to the improvements that have been made to our coastline and beaches. The Fife coastal path has indeed opened up the area to tourism and the blue flags that we now see flying over some beaches are testament to the work that the Executive, Fife Council and others have done to improve the quality of our beaches and bathing waters.

As I sat watching the media coverage from Cellardyke a few months ago, two things occurred to me. The first was the good sense of the people and poultry producers of the area compared with the mass hysteria of the media. The second was that the beautiful coastal village of Cellardyke was being seen all over the world. I hope that that will translate into an increase in tourism.

I turn to the ship-to-ship transfer of oil, which is where Andrew Arbuckle started. There have been debates in the Parliament about the proposals and many questions have been asked of the minister, who has kindly met members who are interested in the issue. Although it is true that the consultation process that is being gone through at the moment leaves most of the decision making to Westminster, I am not as pessimistic as Andrew Arbuckle is that nothing can be done here. In all our communities, both those along the Fife coast and those along the East Lothian coast, all MSPs, regardless of political party, have argued that such transfers must not be allowed to happen. Ship-to-ship oil transfers would be a disaster simply waiting to happen.

The idea that we have little influence over the outcome of the consultation does not appeal to me. I believe that ministers still have a duty under the EU habitats directive to ensure that our coastlines and wild areas are protected. Therefore, I urge the Deputy Minister for Environment and Rural Development to redouble her efforts to ensure that she can find a way through the issue for the benefit both of our communities and of our stunning coastal scenery. Quite frankly, I do not believe that the people and communities of Fife are prepared to accept that a

lack of clarity over whether Westminster or Holyrood is responsible means that the proposed transfers will simply be allowed to happen.

People do not want ship-to-ship transfers to happen and the political will is against the proposal. I urge the minister to embrace the political opposition to the proposal that exists among all parties. She must do all in her power to ensure that we do not have ship-to-ship oil transfers in the Firth of Forth.

17:21

**Christine May (Central Fife) (Lab):** I welcome the opportunity to talk about Fife's coastline and I am grateful to Andrew Arbuckle for lodging the motion for this afternoon's debate.

A significant length of the Fife coastline lies within my constituency and many of my constituents have made their livelihoods along it. The coastal towns of Leven, Methil and most of Buckhaven all lie within Central Fife and each of those settlements has a long and proud tradition of using the land, water and resources of the coast. Those traditions carry on to this day, albeit perhaps in a different way and in different proportions from those of previous times.

Fishing, although not quite to the same extent as previously, continues in Buckhaven. We used to have a significant trawler fleet that sold fish up and down the coast as far as Kirkcaldy.

As many of us will know from walking along Fife's beaches, sea coal is still washed up and is testament to our mining tradition.

We used to import and export coal, pig-iron and other heavy materials using the railway line that ran down to Methil docks. Many of us hope that that line will be restored as a passenger line serving the community of Leven and I am delighted to see that that is now contained within the Fife structure plan. From the expressions on colleagues' faces, I know that we all share that ambition for that community.

Our coastal towns were involved in shipbuilding. Many of them were also used to supply our fleets during the last war. We recently unveiled a memorial in Buckhaven—some of us were there—to remember the young people who were killed in a tragic accident after they picked up a mine that then exploded.

In the 1970s we had engineering and fabrication for the oil industry. Finally, of course, we have tourism. Leven is still a holiday destination for many from the west of Scotland who keep up a tradition that has gone on for many years.

Last Friday night, I attended a presentation—which I believe was repeated on Saturday—that

was organised under the auspices of the National Theatre of Scotland. Along with children from Kirkland high school and its feeder primary schools, the folk from Lauder College and members of the community put on a stunning performance at the facility at Methil docks about what the Fife coastline and towns were like in olden times. Through a series of tableaux, they expressed their hopes for the future and their memories of the past. The presentation culminated in a magnificent firework display over Methil number 3 dock. I just wish that more had been able to attend that event.

The economic life of the Fife coast continues. The proposed energy park at Methil, which will replace what used to be the RGC (Offshore) Ltd fabrication yard, will be involved in a groundbreaking fabrication project for the offshore wind industry. If successful, the project could bring many jobs and be worth billions of pounds to our economy.

We have the regeneration of the towns, led by groups from the community, together with the council, Scottish Enterprise Fife and others. We also have the coastal strategy, which determines the uses to which various parts of the coastline will be put. I support others in urging the minister to see what can be done to prevent what I, too, believe is a disaster waiting to happen—the proposed transfer of oil between ships using swinging anchors, out in what I still consider to be open water. The minister knows my views on the subject.

We must consider the environmental uses to which our coastline is put and the economy of the coastline. I regret that the environmental study of the coast that has been done does not address the issue of economic impact. I look forward to hearing what the minister has to say, and again congratulate Andrew Arbuckle.

17:26

**Mr Ted Brocklebank (Mid Scotland and Fife) (Con):** I am pleased that members' business this week is dominated by Fife, with Mr Arbuckle's debate this evening on Fife's coastline and my debate tomorrow evening on world heritage site status for St Andrews. I congratulate Mr Arbuckle on successfully bringing his motion before the Parliament today. He is absolutely right to praise the beauties of Fife's coastline, about which we have heard so much—that historic

"beggar's mantle fringed with gold",

from Burntisland through to the east neuk, round by St Andrews and back along the Tay estuary.

It is to the huge credit of Fifers who care about their environment and beaches and look after their

surroundings that all of the four beaches in Scotland that had been awarded the prestigious European Union blue flag—the gold standard and international benchmark for water quality—before last year were in Fife: St Andrews east and west sands; Burntisland, Elie and Aberdour silver sands. I am glad that in 2005 two further beaches, at Montrose and Broughty Ferry, were also awarded blue flags, but Fife as a county stands head and shoulders above other Scottish areas in its beaches' cleanliness, environmental management and facilities.

Similarly, Fife was successful in the recently published Marine Conservation Society "Good Beach Guide 2006". Among the many beaches that were recommended for their water quality, with a particular emphasis on bathing, were Anstruther Billowness, Dalgety Bay, Earlsferry and Kingsbarns. Particular praise must be directed towards Pathhead sands near Kirkcaldy. Last year, the sands failed to meet mandatory EU standards for pollution, but now they are at the very top of the recommended beaches category, according to the MCS guide. That is an excellent turnaround.

However, we must not be complacent. Fife still has work to do in places such as Leven, Kinghorn harbour and Lower Largo, where potentially excellent beaches only scrape basic passes for water quality standard and the risk of sewage pollution. It would be churlish of me not to commend the Executive on its effort to clean up our coastline, and it is true that the water cleanliness of Scottish beaches has improved overall. We are all conscious of the potential adverse effects on our beaches and water purity of ship-to-ship oil transfers. Like Christine May and other speakers, I look forward to anything that the minister can say on the issue.

According to the MCS, which conducted a survey in September last year, the amount of litter found on Scottish beaches has increased, with an average of one piece of rubbish recorded for every 51cm. Most significant has been the rise in the number of discarded cigarette ends found on Scottish beaches, which increased by a staggering 273 per cent on the previous year. With the Executive's new ban on smoking in public places coming into force, this is one area where the Executive must act to ensure that adequate provision is in place for the disposal of cigarette stubs.

I accept fully that the Scottish coastal forum does invaluable work on the integration management of coastal bodies, but I believe that involving local people in taking an interest in looking after and caring for their beaches is the right way forward. I am all in favour of schemes such as beachwatch, which involve local

volunteers giving up their time to tidy the coastline. From seeing his picture in *The Courier*, I am aware that Andrew Arbuckle has taken part in such clean-up exercises.

Mr Arbuckle is also right to highlight the importance of tourism to our coastline. Annual estimates of the number of visitors to the Fife coast stand at more than 250,000, with a contribution to the local economy of approximately £2.5 million. A major player in Fife's tourism success, as Andrew Arbuckle said, is the excellent coastal path system, which I commend to anybody who has not done a walk along it. I particularly commend the famous caves at Wemyss, which have remarkable prehistoric drawings.

I take issue in a small way with the Ramblers Association Scotland, which claims that golf developments along the Fife coast have precluded the provision of opportunities for walkers. I think that most people would agree that the Fife coastal path is long enough and wide enough to accommodate both ramblers and golfers. Most golfers of my acquaintance are sufficiently courteous to respect ramblers who offer them the same respect.

17:30

**Iain Smith (North East Fife) (LD):** When I came into the chamber for the debate, I made a small bet with myself about who would be the first to mention the

"beggar's mantle fringed with gold."

Ted Brocklebank wins.

**Mr Brocklebank:** Iain Smith lost.

**Iain Smith:** That was mainly because I warned Andrew Arbuckle off the quotation.

Fife's coastline, which runs all the way from Kincardine to Newburgh, is one of the longest stretches of coastline in Scotland; much of it is in my constituency of North East Fife. The coastline has a number of important functions—historic, environmental and economic—and is also important for our tourism industry. Members will excuse me if I use the debate largely as an opportunity to promote the benefits for tourists of coming to beautiful north-east Fife.

Some great history relates to the coastline round north-east Fife; none of it is greater, of course, than in St Andrews, where the relics—I almost said allegedly—of our great patron saint were landed and where the great ecclesiastical and academic centre was established. That history is still there and I am sure that we will debate it further in tomorrow's members' business debate on St Andrews.

Of course, history also applies to St Andrews as the home of golf, where the great game was established in Scotland. The coastline was important to the development of golf through the links courses in St Andrews and beyond. We can also find bits of history down in places such as Lower Largo, where the famous Alexander Selkirk who inspired the novel "Robinson Crusoe" came from.

Important environmental aspects of the coastline include the Isle of May, which is an important bird sanctuary, and the beautiful areas around the Eden estuary and Tentsmuir, which is one of our hidden gems because of its great beaches. I recommend that anyone who has not been to those beaches should visit them. Ted Brocklebank referred to Fife's great beaches, which include those at Tentsmuir, the east and west sands at St Andrews, and those all the way down the coast at Elie, Crail and Lower Largo. I am sure that the beach at Lower Largo will improve when the sewage treatment works at Levenmouth is finalised. There are also Ruby bay at Elie, Shell bay and many other beaches of great quality. As has been said, the beaches have been praised by the Marine Conservation Society as being some of the best in the United Kingdom and have received the blue flag. All those beaches are important in attracting tourists to our area.

Great facilities such as the Scottish Fisheries Museum at Anstruther celebrate much of our coastal history and the important role of the sea in the history not just of the east neuk of Fife, but of Scotland. People should visit that museum, if they have not done so, because it is a fabulous facility. However, I do not want fishing to be regarded just as history, because it is important that we preserve, maintain and improve our existing fishing industry in Pittenweem and our smaller fishing industries in some of the other harbours around the east neuk of Fife; I am thinking of the shellfish fishermen who work out of places such as Crail and St Andrews. We must protect and preserve such industries to ensure that our fishermen in the east neuk have a fair quota of prawns.

We must all recognise the importance of the quality of our beaches. Many of our schools in north-east Fife—in particular those that are involved in the eco-schools project—have ensured that young children recognise the importance of the marine environment and of dealing with issues such as litter on our beaches. Dunino primary school, which was one of Scotland's pilot eco-schools and the first to obtain permanent eco-school status, had beach cleaning as one of its projects. The school continues with that important role.

We must ensure that our young people are aware of the importance of our marine

environment and its importance to history, economy and tourism in Fife. I welcome the opportunity to promote such matters in the debate.

17:34

**Mr Mark Ruskell (Mid Scotland and Fife) (Green):** I thank Andrew Arbuckle for securing the debate. One of the most stunning views of the Fife coast that I have ever had was from the top deck of the Superfast ferry as it steamed up the Forth towards Rosyth. It certainly emphasised to me the importance of the Forth's ecology to its economy and the delicate balances that we often need to strike.

Many MSPs have focused on the threat of ship-to-ship oil transfers and their potential impact on the Fife coastline. I hope that, after the recent meeting, the minister will continue to unfold the regulatory powers that are available to her and respond tonight to some of the questions that she was asked, but left unanswered.

The oil transfer issue has exposed the complete guddle of marine legislation in the United Kingdom and Scotland. Tidying up that legislation, which is often contradictory and is certainly not joined up, must be one of the Parliament's key tasks in the next session. The minister has said that the group that is working on the first phase of that considerable task will report at the end of the summer. One of the biggest improvements would be the introduction of proper marine and coastal planning that can encompass activities that might profoundly affect the Fife coastline.

Oil transfer is not the only activity that might impact on areas that are protected under the EU habitats directive. For example, a little further down the coast from Methil, the proposed Kirkcaldy esplanade retail development will sit entirely within a 13 hectare special protection area that is important to wading birds. That development could displace large numbers of beach users on to other important habitats that are used by birds.

There is also the prospect of a second Forth road bridge. During the recent Dunfermline by-election, Fergus Ewing suggested that construction of the bridge, which would also sit within an SPA, could be speeded up by doing away with inconvenient EU red tape.

What will be the cumulative impact on the Fife coastline of oil transfers, shopping developments and more road bridges, especially when we add in the considerable development pressures on the other side of the Forth? At the very least, ministers must ensure that all cumulative impacts are appropriately assessed. Last year, our responsibilities under the EU habitats directive to protected areas and, indeed, to the protected

species of the Forth were made fully clear in court and that ruling should give the minister a very real—if not slightly scary—backbone stiffener.

We must use the existing law and make new law to protect the coastline of Fife for future generations.

17:38

**Helen Eadie (Dunfermline East) (Lab):** I congratulate Andrew Arbuckle on securing this welcome debate and my other colleagues on their speeches. I acknowledge the work of Fife Council and the many volunteers in the community who are doing what they can to improve the state of Fife's coast and beaches, of which we are so proud.

At this point, I must declare an interest. I live next to the shore in Dalgety Bay and see how walkers, cyclists, joggers, pram-pushers, mums, dads, grandpas and everyone else enjoy it. As Tricia Marwick said, the views are absolutely stunning and I feel privileged to have the great good fortune to live in the area.

However, there are many issues to address, not least of which is the erosion that affects the Fife coastal path. From my time with Fife Council, I know—as I am sure that Christine May knows—that such issues are serious and that the council has never had enough money to tackle them. Moreover, those matters have often raised complicated questions of land ownership; although financial liability falls on the landowner, in certain cases the ownership of the land has been unclear.

I agree with colleagues about the threat of ship-to-ship oil transfers. I apologise to the minister for not being able to attend the meeting on Tuesday—my thoughts were with those who were able to make it—but I ask her now to do everything in her power to support MSPs' opposition to that operation. If the project goes ahead, there must be a level playing field for developers. If an opencast coal mine were to be given the green light in my constituency, the developer would have to pay a major sum of money as a bond of insurance so that the polluter would pay in the event of any on-going pollution. Similarly, any shipping developer should pay a bond if the project must go ahead. I hope that it will not go ahead, but any financial burden must fall to a developer if an oil spill happens—Fife Council or the Scottish Executive should not have to carry such a burden. A bond should be paid up front that would be enough, in the event of any spillage, to cover the cost of a clear-up and to provide compensation for businesses that are affected by the impact on tourism.

An issue that is of serious concern to the community of Dalgety Bay, where I live, and to all

who use Fife's coastal path is radiation on Dalgety Bay's beaches. The radiation, which was first highlighted more than 16 years ago, is said to stem from luminous paint from the dials on the aircraft that were incinerated there, with the clinker being shunted on to the beaches in Dalgety Bay by housing developers.

The community is really upset—I share people's anger—that non-local officials and scientists from the so-called Dalgety Bay forum have made decisions that impact seriously on the community. The so-called Dalgety Bay forum includes no official local representation such as a community councillor, a Fife Councillor or myself. I should not have to go to a website to download 60 pages of information to find out what is going on. That is not good enough. I strongly urge the minister to ensure that her officials serve the community much better. They should be made to understand that they must deal with the issue. Safety is paramount. What discussions are being held with the Ministry of Defence? When will the officials involved, in collaboration with the Ministry of Defence, remove the radiation? The matter requires urgent attention. We do not just want signs to be put up in Dalgety Bay. We want the radiation to be removed once and for all. It impacts on the sailing club and on the entire community, and it will impact on tourism. If it is not a problem, take the signs down. For goodness' sake, help the people of Dalgety Bay with this urgent matter.

17:42

**The Deputy Minister for Environment and Rural Development (Rhona Brankin):** I congratulate Andrew Arbuckle on bringing the debate on Fife's coastline to the Parliament.

It is heartening to talk about Fife's impressive beaches—Fife has everything, so it is just the place for beaches. It is great that we are talking about the matter the day before the start of the official 2006 bathing water season. Many members have referred to the quality of Fife's beaches. As has been said, Fife has more international blue flag beaches than any other part of Scotland. Fife also scored highly in the Marine Conservation Society's "Good Beach Guide 2006", which was published last week. The figure of 13 recommended beaches is higher than that of any other part of Scotland, on which I certainly commend Fife.

Although the bathing waters are currently of excellent quality, the Executive is aware of the work that has still to be done. For example, a revised bathing water directive, to be implemented by March 2008, sets much more stringent standards. All Fife's beaches are expected to meet that tougher challenge. To help to ensure compliance, in March I launched the Executive's



bathing water strategy, "Better Bathing Waters: meeting the challenges of the revised bathing water directive for Scotland". The strategy encourages greater partnership working with all those who have an interest in our bathing waters to ensure that the improvements in quality in recent years continue.

We know that Scotland's beaches—including Fife's beaches—are a wonderful asset for the country. For example, Scotland has a reputation as a world-class destination for walking, and VisitScotland promotes the country's beaches as part of its promotion of walking holidays. As members have said, a fine example is the ever-popular Fife coastal path.

Scottish Enterprise Fife, Fife Council, VisitScotland and the area tourism partnership, which is currently developing its area tourism partnership plans, recognise as great assets not only Fife's coast and its blue flag beaches, but the coastal and fishing towns and fantastic sea food. In addition, the Fife coastal path is featured in the Fife element of the national spring walking campaign. I was fortunate enough to walk on a new section of the Fife coastal path a number of years ago.

Unfortunately, as the motion indicates, litter remains a problem in Scotland. The Executive sympathises: inconsiderate people who litter must be made to recognise the damage that they are doing. We have funded a series of educational litter and fly-tipping campaigns through the independent charity Keep Scotland Beautiful, including the bag it and bin it campaign, which deals with beach litter in particular.

As members have said, education is not enough on its own; there must be sanctions. We have taken a number of steps to improve the enforcement of laws against littering and fly tipping. We have doubled the fixed-penalty fine for littering and introduced fixed-penalty fines for dog fouling and fly tipping. We have also doubled to £40,000 the fine that is available in summary proceedings for serious fly-tipping incidents and a range of other relevant pollution offences, particularly those relating to polluting the water environment.

**Iain Smith:** I am not sure whether the incident is related to wilful fire raising but, since the start of the debate, I have been made aware of a major forest fire at Tentsmuir, which is one of the places I mentioned in my speech. Will the minister take the opportunity to wish the fire fighters well? I understand that more than 50 of them are involved in trying to bring the fire under control. I hope that they can do so. I also ask her to assure the chamber that the relevant agencies will speedily assess the environmental and economic impacts of the fire.

**Rhona Brankin:** Certainly. The member has just informed me of the fire but, clearly, I echo his sentiments. I hope that the fire can be brought under control as quickly as possible. Tentsmuir is a hugely important piece of land for Fife. We will look into the implications of the fire as soon as we get the information.

We have commissioned Keep Scotland Beautiful to draw up a new Scottish code of practice on litter and refuse to advise local authorities and others on their clearance duties. The code will set the minimum levels of cleanliness that must be maintained by bodies that have a statutory duty to clear litter, including on beaches. The consultation on the final draft of the code closed on Friday 12 May, and we hope to lay the new code before the Parliament soon.

As for marine litter, members should be aware that litter from ships is a reserved matter. However, the Scottish Executive has funded the fishing for litter project run by KIMO, the local authority international environmental organisation, under which fishing boats are paid to catch litter and return it to their home port for proper disposal. Ross Finnie launched the project just last year.

Andrew Arbuckle and several other members made reference to ship-to-ship transfers in the Firth of Forth. I met members to discuss the issue last week and am very much aware of the strength of feeling on the issue. As members know, the Executive has responded formally to the Maritime and Coastguard Agency consultation. A copy of our response is available in the Scottish Parliament information centre. In short, we have drawn attention to the need for the MCA and Forth Ports to act in a way that takes regard of the requirements of the European Union habitats directive in the discharge of their respective responsibilities. We have supported Scottish Natural Heritage in the concerns that it has raised on the adequacy of the plan, as currently drafted, to address some of the habitats issues that arise from that obligation. We expect the MCA to comply with the directive as it considers the approval of the necessary oil spill contingency plan. We also expect Forth Ports to comply in the event that any specific oil-transfer operation were to proceed within the framework set by any approved contingency plan.

I am acutely aware of the vast social, economic and environmental importance of all Scotland's coast and seas; I am also aware of the challenging issues that face us in that regard. As Mark Ruskell said, the Executive has embarked on a major new strategy. We will build on our strong record and take a more co-ordinated approach to managing the uses of our marine areas. It is therefore appropriate that the strategy is being taken forward by an advisory group in which key

economic sectors are involved, including tourism, environmental and conservation interests, scientific advisers and local coastal partnerships. The Scottish coastal forum has a key role in all of that, and I am pleased that Andrew Arbuckle's motion reflects that. We are also examining outline proposals for a coastal and marine national park. Designation is planned for 2008. No decision has been taken yet; that will not happen without detailed consultation having first taken place

I assure members that we are continuing to devote great efforts to ensuring that the beaches in Fife and elsewhere in Scotland maintain and improve their growing reputation. We look to all our partners to do the same.

*Meeting closed at 17:49.*

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