

# **RURAL AFFAIRS AND ENVIRONMENT COMMITTEE**

Wednesday 16 December 2009

Session 3

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## CONTENTS

Wednesday 16 December 2009

Col.

<b>DECISION ON TAKING BUSINESS IN PRIVATE .....</b>	<b>2285</b>
<b>SUBORDINATE LEGISLATION .....</b>	<b>2286</b>
Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No 4) Regulations 2009 (SSI 2009/411) .....	2286
Less Favoured Area Support Scheme (Scotland) Amendment Regulations 2009 (SSI 2009/412).....	2286
Sea Fishing (Prohibition on the Removal of Shark Fins) (Scotland) Amendment Order 2009 (SSI 2009/413) .....	2286
Sheep and Goats (Identification and Traceability) (Scotland) Revocation Regulations 2009 (SSI 2009/415) .....	2286
Zoonoses and Animal By-Products (Fees) (Scotland) Amendment Regulations 2009 (SSI 2009/416) ...	2286
Control of Salmonella in Turkey Flocks (Scotland) Order 2009 (SSI 2009/417).....	2286
Wildlife and Countryside Act 1981 (Variation of Schedule 4) (Scotland) Order 2009 (SSI 2009/418) .....	2286
Wildlife and Countryside (Registration and Ringing of Certain Captive Birds) (Scotland) Regulations 2009 (SSI 2009/419) .....	2286
<b>FLOOD AND WATER MANAGEMENT BILL .....</b>	<b>2288</b>

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## RURAL AFFAIRS AND ENVIRONMENT COMMITTEE

### 31<sup>st</sup> Meeting 2009, Session 3

#### CONVENER

\*Maureen Watt (North East Scotland) (SNP)

#### DEPUTY CONVENER

\*John Scott (Ayr) (Con)

#### COMMITTEE MEMBERS

\*Karen Gillon (Clydesdale) (Lab)  
Liam McArthur (Orkney) (LD)  
\*Alasdair Morgan (South of Scotland) (SNP)  
\*Elaine Murray (Dumfries) (Lab)  
\*Peter Peacock (Highlands and Islands) (Lab)  
\*Bill Wilson (West of Scotland) (SNP)

#### COMMITTEE SUBSTITUTES

Rhona Brankin (Midlothian) (Lab)  
Jim Hume (South of Scotland) (LD)  
Nanette Milne (North East Scotland) (Con)  
Sandra White (Glasgow) (SNP)

\*attended

#### CLERK TO THE COMMITTEE

Peter McGrath

#### SENIOR ASSISTANT CLERK

Roz Wheeler

#### ASSISTANT CLERK

Lori Gray

#### LOCATION

Committee Room 3



## Scottish Parliament

### Rural Affairs and Environment Committee

*Wednesday 16 December 2009*

[THE CONVENER *opened the meeting at 10:02*]

### Decision on Taking Business in Private

**The Convener (Maureen Watt):** I welcome everyone to the committee's 31<sup>st</sup> meeting of the year and the last before Christmas—hurrah! I remind everyone to turn off their mobile phones and BlackBerrys. Apologies have been received from Liam McArthur, although members might have seen an e-mail from him about some of the items on the agenda.

Agenda item 1 is a decision on whether to take in private item 4. Is the committee agreed?

**Members** *indicated agreement.*

## Subordinate Legislation

**Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No 4) Regulations 2009 (SSI 2009/411)**

**Less Favoured Area Support Scheme (Scotland) Amendment Regulations 2009 (SSI 2009/412)**

**Sea Fishing (Prohibition on the Removal of Shark Fins) (Scotland) Amendment Order 2009 (SSI 2009/413)**

**Sheep and Goats (Identification and Traceability) (Scotland) Revocation Regulations 2009 (SSI 2009/415)**

**Zoonoses and Animal By-Products (Fees) (Scotland) Amendment Regulations 2009 (SSI 2009/416)**

**Control of Salmonella in Turkey Flocks (Scotland) Order 2009 (SSI 2009/417)**

**Wildlife and Countryside Act 1981 (Variation of Schedule 4) (Scotland) Order 2009 (SSI 2009/418)**

**Wildlife and Countryside (Registration and Ringing of Certain Captive Birds) (Scotland) Regulations 2009 (SSI 2009/419)**

10:02

**The Convener:** The next item is subordinate legislation, of which we have lots. We have six negative instruments to consider. There are eight instruments on the agenda, but two of them—the Less Favoured Area Support Scheme (Scotland) Amendment Regulations 2009 (SSI 2009/412) and the Control of Salmonella in Turkey Flocks (Scotland) Order 2009 (SSI 2009/417)—cannot be considered until we have received the Subordinate Legislation Committee's report. Those instruments will have to be on the agenda for our next meeting.

The Subordinate Legislation Committee has made no comments on the remaining six instruments, no member has raised any concerns in advance and no motions to annul have been lodged. Do members have any comments on the instruments?

**Elaine Murray (Dumfries) (Lab):** I am pleased to see that there is an instrument on the removal of shark fins. That is an important issue.

**The Convener:** My only comment is on the Less Favoured Area Support Scheme (Scotland) Amendment Regulations 2009 (SSI 2009/412). There is someone who still thinks that we have a Scottish Executive rural affairs department rather than a Scottish Government rural affairs department.

Do members agree not to make any recommendations in relation to the instruments?

**Members** *indicated agreement.*

## Flood and Water Management Bill

10:05

**The Convener:** Item 3 is consideration of the committee's approach to legislative consent memorandum LCM(S3)24.1, on the United Kingdom Flood and Water Management Bill. Paper 10 sets out two options. Option 1 is that the committee could agree to produce a brief report stating that it is content with the LCM and that it notes that the UK Government has introduced legislation in that area earlier than anticipated. The committee could also agree to write to the Cabinet Secretary for Rural Affairs and the Environment, requesting information on how the provisions of the UK bill interrelate with the Flood Risk Management (Scotland) Act 2009.

The second option is for the committee to agree to write to the Scottish Environment Protection Agency to ask whether it is content with the proposal in the LCM, and then take evidence from the cabinet secretary or the Minister for Environment on the memorandum in the new year, before reporting.

Do members have any comments?

**John Scott (Ayr) (Con):** I presume that the minister will have consulted SEPA about the issue anyway. Therefore, is there any need for us to consult SEPA further? We will only get the same response. Assuming that that is the case, I would favour option 1.

**Alasdair Morgan (South of Scotland) (SNP):** The first part of option 1—a brief report saying "Fine".

**Peter Peacock (Highlands and Islands) (Lab):** Can we delegate it to you, convener, to check the point mentioned by John Scott? If you are satisfied, we could go for the first part of option 1.

**The Convener:** The first part. We do not want to write to the cabinet secretary.

**Peter Peacock:** No.

**The Convener:** Does everyone agree to defer the decision to me?

**Members** *indicated agreement.*

10:07

*Meeting continued in private until 11:06.*

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