

# **ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE**

Thursday 8 September 2005

Session 2

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## ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE

### 21<sup>st</sup> Meeting 2005, Session 2

#### CONVENER

\*Sarah Boyack (Edinburgh Central) (Lab)

#### DEPUTY CONVENER

\*Mr Mark Ruskell (Mid Scotland and Fife) (Green)

#### COMMITTEE MEMBERS

\*Mr Ted Brocklebank (Mid Scotland and Fife) (Con)

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

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

\*Maureen Macmillan (Highlands and Islands) (Lab)

Mr Alasdair Morrison (Western Isles) (Lab)

\*Nora Radcliffe (Gordon) (LD)

Elaine Smith (Coatbridge and Chryston) (Lab)

#### COMMITTEE SUBSTITUTES

Alex Fergusson (Galloway and Upper Nithsdale) (Con)

Trish Godman (West Renfrewshire) (Lab)

Jim Mather (Highlands and Islands) (SNP)

Jeremy Purvis (Tweeddale, Etrick and Lauderdale) (LD)

Eleanor Scott (Highlands and Islands) (Green)

\*attended

#### CLERK TO THE COMMITTEE

Mark Brough

#### SENIOR ASSISTANT CLERK

Katherine Wright

#### ASSISTANT CLERK

Christine Lambourne

#### LOCATION

Committee Room 3



## Scottish Parliament

### Environment and Rural Development Committee

*Thursday 8 September 2005*

[THE CONVENER *opened the meeting at 15:32*]

### Interests

**The Convener (Sarah Boyack):** I welcome colleagues, members and members of the public and press to the meeting. I remind people to turn off their phones. Apologies have been received from Elaine Smith, who will not be with us this afternoon. Alasdair Morrison sent me a message on his BlackBerry to say that he is on the Inverness to Edinburgh train, which is not here yet.

Agenda item 1 is a declaration of interests. On 6 September, the Parliament agreed that Ted Brocklebank should replace Alex Johnstone as the Conservative party representative on the committee. I welcome Ted Brocklebank to the committee. The members' code of conduct states that it is good practice that members should declare interests that are relevant to a committee's remit at the first meeting of the committee that they attend. I invite Ted Brocklebank to declare any interests that he might have, which will be put on the record.

**Mr Ted Brocklebank (Mid Scotland and Fife) (Con):** I have nothing to declare.

**The Convener:** Members should note that Elaine Smith was appointed to replace Karen Gillon on the committee at the meeting of Parliament on 13 June. Elaine has sent her apologies for missing this meeting, but at the first meeting that she attends we will ask her to declare any interests that are relevant.

### Items in Private

15:33

**The Convener:** Under agenda item 2, the committee will consider whether to take in private agenda item 5—consideration of the evidence that has been received to date in our rural development inquiry—and whether to consider our draft report on the inquiry in private at future meetings until we have concluded it. Is that agreed?

**Members** *indicated agreement.*

## Subordinate Legislation

**Wildlife and Countryside Act 1981  
(Variation of Schedule) (Scotland) Order  
2005 (SSI 2005/308)**

**Genetically Modified Organisms  
(Transboundary Movements) (Scotland)  
Regulations 2005 (SSI 2005/316)**

**Financial Assistance for Environmental  
Purposes (Scotland) Order 2005  
(SSI 2005/324)**

15:34

**The Convener:** Under agenda item 3, we have three instruments to consider under the negative resolution procedure. The Subordinate Legislation Committee considered the instruments and raised points on the first two, but had no comments to make on the third. That committee's response has been circulated to members.

Those of you who were there will recall that, at our meeting on 28 June, we agreed to seek further information from the Scottish Executive on several points that are contained in the instruments. We have received a response from the Executive, which has been circulated to members. I invite colleagues to make any comments that they may wish to make, having received that note.

I have a comment to make on the Wildlife and Countryside Act 1981 (Variation of Schedule) (Scotland) Order 2005. We told the Executive that we would rather have had a more explicit indication of the impact of the order. We thought that the press release was excellent, but it came out after we were meant to have considered the order. The minister says that the Executive holds to the view that the order was self-explanatory, but I hold to the view that it was not. We will not get any further on that, but perhaps we could feed such issues into the work that is being done by the Subordinate Legislation Committee on our scrutiny of statutory instruments. I will leave it for members to think through recent subordinate legislation issues and ways in which things could have been done better, and we will come back to that formally in a couple of weeks, at our meeting on 21 September.

Does anyone have any further comments on that instrument or the other two?

**Mr Mark Ruskell (Mid Scotland and Fife) (Green):** I have a general comment to make. It was right that the committee dug its heels in and deferred decision making on this until after the recess. It is important that Scottish statutory

instruments are accompanied by full notes if we are to scrutinise them effectively. I am pleased that the Executive has provided more information in relation to the three SSIs as a result.

**Maureen Macmillan (Highlands and Islands) (Lab):** Could I just say—

**The Convener:** No. I have a list of members who wish to speak and you did not indicate that you had something to say. Rob Gibson is first, followed by Nora Radcliffe.

**Maureen Macmillan:** I beg your pardon, convener. I did not know that there was a queue.

**Rob Gibson (Highlands and Islands) (SNP):** There is a long note from the minister on the Genetically Modified Organisms (Transboundary Movements) (Scotland) Regulations 2005. A small-scale sampling exercise is being undertaken by the Food Standards Agency, which is clearly about an alleged breach in the process that the regulations are an attempt to regulate. It is of interest that that is taking place, but we will not have a report on that before we agree or disagree the SSI. I thank the minister for the detailed note, but I would ask that the committee get a report on the FSA's inquiry. It is to be hoped that the process will work.

**The Convener:** Is everybody happy for us to get further information on that?

*Members indicated agreement.*

**Nora Radcliffe (Gordon) (LD):** There are a couple of things that I think are not clear. The statutory instrument talks about "transboundary movements", but nowhere does it define what that means. Does that refer to the boundaries of the European Union? Does it refer to national boundaries? I could not find clarification of what boundaries are meant. "Transboundary movements" may be an acceptable term that people understand the meaning of, but it was not clear to me.

Another phrase that appears at various points is "parties or non-parties of import".

That Eurospeak may be as clear as glass to people who are familiar with it, but I am not entirely sure what it means.

**The Convener:** Thank you for that, Nora. Maureen Macmillan is next.

**Maureen Macmillan:** No, thank you, convener. The moment has passed. I wanted to make a general, not a specific, comment.

**The Convener:** Members have picked up a few points on the regulations on genetically modified organisms, so we will seek clarification. It would be helpful to get some feedback from ministers for our next meeting.

The note that we received on SSI 2005/324 was interesting; indeed, members have expressed the view that it was useful to get more information on all the instruments. Are we content with the instruments and happy to make no recommendation to the Parliament on them?

*Members indicated agreement.*

### **Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures) (Scotland) Order 2005 (SSI 2005/311)**

**The Convener:** Agenda item 4 is consideration of five items of subordinate legislation under the negative procedure. The Subordinate Legislation Committee has raised points on all five SSIs and extracts from its report have been circulated to members for their information.

Do members have any general comments or specific issues that they want to raise on the first instrument, which is SSI 2005/311?

**Mr Ruskell:** The order concerns offences that relate to the landing of over-quota fish, but I would like to know whether there are SSIs that relate to the catching of over-quota fish. Perhaps we could ask the Executive to clarify that.

**The Convener:** You are not unhappy with the order as it stands, but you would like some more background information.

**Mr Ruskell:** That is right.

**The Convener:** Are there any further comments on the order?

**Members:** No.

### **Products of Animal Origin (Third Country Imports) (Scotland) Amendment Regulations 2005 (SSI 2005/323)**

**The Convener:** The regulations seem sensible; I am not sure that we want to delve into them in too much depth.

### **Cereal Seed (Scotland) Regulations 2005 (SSI 2005/328)**

**The Convener:** The regulations are a consolidation—that is why they are so lengthy. I assume that it will be useful for people who work in the cereal seed business to have all the regulations in one document, as that will save them from having to consult a series of different amendments. Do members have any comments?

**Members:** No.

### **Fodder Plant Seed (Scotland) Regulations 2005 (SSI 2005/329)**

**The Convener:** Are there any comments on SSI 2005/329, which is about standards of seed sampling and crop inspections and which implements European Union requirements?

**Members:** No.

### **Pollution Prevention and Control (Scotland) Amendment (No 2) Regulations 2005 (SSI 2005/340)**

**The Convener:** The note that we have received summarises the purpose of the regulations as being to make a number of correctional or deregulatory amendments to the Pollution Prevention and Control (Scotland) Regulations 2000 (SSI 2000/323).

I found it hard to work out exactly what the impact of the regulations will be. I presume that they would make more sense to an expert in the field. I found the regulations quite hard going.

**Nora Radcliffe:** Something that leapt out at me was what the implications would be of the apparently simply change of substituting “sewage sludge” for “sewage”. That is not made clear in the information that we received.

**The Convener:** Last year we tackled how to deal with sewage sludge—there is a range of ways of dealing with it. We asked the minister a few questions about that. It would be useful to clarify the difference between “sewage” and “sewage sludge”.

I have a note that says that we have a deadline of 12 September for reporting on all the instruments. We would have to let SSI 2005/340 go through and obtain the necessary information subsequently, unless Nora Radcliffe has strong concerns.

**Nora Radcliffe:** I do not have strong concerns; I am just interested to find out the implications of the change.

**Rob Gibson:** The Executive’s response to the Subordinate Legislation Committee states that the Executive intends to amend the regulations at the next available legislative opportunity. In other words, the arrangement that the regulations establish—which is quite detailed—is imperfect and will be amended again. Is it not possible that the amendments could be made before the regulations are brought into force? That would avoid the regulations having to be produced twice in similar forms.

**The Convener:** We have faced similar problems before. I expect that there is an issue to do with when the Executive must implement the

regulations. It might have to meet European requirements. *[Interruption.]* Mark Brough has told me that the regulations are already in force, as the instrument was laid under the negative procedure. That means that a new instrument will have to be laid. We need to store up such examples for our response to the Subordinate Legislation Committee, which we will make in a few weeks.

**Rob Gibson:** I flagged up the matter for that purpose. It is obvious that although the amendments to the existing regulations might be difficult to understand, they are a good thing.

**The Convener:** We would like to know that that is the case in practice. The Executive could provide us with a note.

**Maureen Macmillan:** The Executive note that accompanies the regulations says that one of their purposes is

“to lighten the burden of regulation ... without detriment to the protection of the environment or human health”.

The regulations address issues that we were concerned about, such as the use of sewage sludge as a fuel—or, at least, I assume that that is what they are about. As the convener said, we are not entirely clear about their purpose.

**The Convener:** Our problem is that we must make assumptions. The Executive note lists the bodies that were consulted but, as has happened before, it does not say what the consultees said, so we do not have a sense of whether they were all entirely happy, had some criticisms or were deeply unhappy. Maureen Macmillan was right.

**Mr Ruskell:** The regulations are wide-ranging, so it is difficult to work out the environmental impact on the different areas that they cover. As we have not seen the consultation responses, it is difficult to tell whether there are controversial issues at the heart of the changes. Again, more information would be useful in such cases.

**The Convener:** When the new instrument is laid, we could flag up that issue with the Executive to ensure that there is more understanding among members. We should use that opportunity.

May I take it that members are content with the instruments and happy to make no recommendation to the Parliament on them?

**Members indicated agreement.**

**The Convener:** As agreed under agenda item 1, we now move into private session to discuss our draft report on rural development. I invite the official report and broadcasting staff and members of the public to leave the room.

15:46

*Meeting continued in private until 16:14.*





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