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## Rural Affairs and Islands Committee

# Subordinate legislation considered by the Rural Affairs and Islands Committee on 21 January 2026



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# Rural Affairs and Islands Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands, with the exception of matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland, and Royal Botanic Garden.



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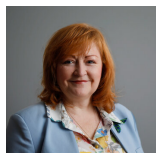
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**Emma Harper**  
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**Emma Roddick**  
Scottish National Party



**Evelyn Tweed**  
Scottish National Party

# The draft Animal Health (Fixed Penalty Notices) (Scotland) Regulations 2026

1. The draft [Animal Health \(Fixed Penalty Notices\) \(Scotland\) Regulations 2026](#) were laid before the Scottish Parliament on 8 January under section 76A(9) of the [Animal Health Act 1981](#). The instrument was referred to the Rural Affairs and Islands Committee for consideration. It is subject to the affirmative procedure, meaning the Parliament must approve the instrument before it can come into force.
2. The regulations establish a fixed penalty notice (FPN) scheme for certain offences under animal health and bee legislation in Scotland. The scheme is intended to provide a proportionate and efficient way for enforcement agencies to address breaches, improve compliance while reducing reliance on criminal prosecution.
3. The policy note explains that, after mandatory housing measures were introduced to protect poultry and captive birds from highly pathogenic avian influenza, existing enforcement methods such as educational advice or warning letters were often ineffective. A small number of keepers repeatedly failed to comply, leaving no effective alternative to ensure compliance. The FPN scheme is proposed in order to allow such offences to be dealt with more efficiently and appropriately than referral to the COPFS for prosecution.
4. The policy note states that issuing a FPN is optional and intended to complement existing enforcement measures rather than replace them. The policy note further states that—  

” “ ...the option to use alternative enforcement measures, including offering verbal advice or written warnings, will continue to be available. Additionally, the option to prosecute instead of offering a FPN will continue to be available and may be used for more serious or repeat offending”.
5. In 2019, the Scottish Government [consulted on the Animal Health Act 1981 Amendment](#). The consultation sought views on giving Scottish Ministers the power to issue FPNs for certain animal health offences. [Feedback from the consultation](#) led to an amendment to the Animal Health Act 1981 granting Ministers the power to introduce FPNs for specific animal health offences.
6. A further detailed [consultation on the FPN scheme](#) was held from 7 March to 30 May 2025, covering penalty levels and amounts, scheme characteristics, and offences. The [Scottish Government received 69 responses, most of which were broadly supportive of the scheme](#).

## Delegated Powers and Law Reform (DPLR) Committee consideration

7. The original instrument was laid on 11 December 2025 and subsequently [withdrawn on 7 January 2026 to correct a drafting error](#). The revised instrument was re-laid on 8 January 2026. The [DPLR Committee considered the draft instrument on 20 January and made no recommendations in relation to the instrument](#).

## Rural Affairs and Islands Committee consideration

8. The Committee took evidence on the draft regulations from the Minister for Agriculture and Connectivity and Scottish Government officials at its meeting on 21 January 2026.
9. The Minister made an opening statement, setting out the purpose and objectives of the instrument.
10. Members questioned whether the Scottish Government consultation reached all affected sectors, noting that some respondents raised welfare concerns. The Minister clarified that the regulations focus specifically on health rather than welfare and maintained that the FPN legislation being presented is proportionate. Members also noted that feedback from the consultation suggested that enforcement might be better handled through education, to which the Minister responded that FPNs are intended only as a last resort when engagement efforts fail.
11. Questions were raised about the proposed penalty levels, asking whether they are sufficiently deterrent and if they might increase over time. The Minister explained that the penalties are proportionate and a single fine would likely encourage compliance, though future uprating could be considered if circumstances require. Members also discussed the rationale for early payment discounts, expressing concern that they might undermine deterrence. The Minister stated that discounts are meant to encourage dialogue and compliance, helping individuals correct issues and to avoid repeat breaches.
12. Members sought clarification on payment extensions, transparency, and appeals. A Scottish Government official noted that extensions would be considered case by case, particularly for exceptional circumstances. Members recommended annual publication of FPN data, which the Scottish Government official confirmed is feasible under existing legislation. On appeals, the Minister explained that while they currently go to the same authority that issued the FPN, they are reviewed by a different person to ensure fairness.

## Conclusion

13. At the end of evidence taking, the Minister moved motion S6M-20214:  
  
That the Rural Affairs and Islands Committee recommends that the Animal Health (Fixed Penalty Notices) (Scotland) Regulations 2026 be approved.
14. The motion was agreed to without debate or division.
15. **The Rural Affairs and Islands Committee recommends that the Animal Health (Fixed Penalty Notices) (Scotland) Regulations 2026 be approved.**

