RURAL AFFAIRS COMMITTEE

AGENDA

9TH Meeting, 2000 (Session 1)

Tuesday 4 April 2000

The Committee will meet at 2.00 pm in Committee Room 1.

1. Protection of Wild Mammals (Scotland) Bill: The Committee will take evidence from Mike Watson MSP.

2. Future Business: The Committee will consider timetabling of stage 1 investigations on the Protection of Wild Mammals (Scotland) Bill and the National Parks Bill.

3. Committee Business in the Chamber: The Committee will consider the terms of a draft motion on Committee business for debate in the Parliament.

4. Subordinate Legislation: The Committee will consider the following negative instrument:

   The Crab Claws (Prohibition of Landing) (Scotland) Order (SSI 2000/81).

Richard Davies
Clerk to the Committee

The following papers are relevant to this meeting:

Item 1: Paper by SPICe (to follow)
Item 2: SSI 2000/81 together with Executive Note
The Crab Claws (Prohibition of Landing) Revocation (Scotland) Order 2000
(SSI 2000/81)

General Procedure note
1. The Rural Affairs Committee is the lead committee on this instrument, which was
laid on 17 March 2000.

2. This order came into force on 31 March 2000 and was laid under a "negative
procedure" which means that the Parliament has power to annul the order by
resolution within 40 days, excluding recess. In the case of this instrument
therefore, the time limit for Parliamentary action expires on 10 May.

3. The order revokes an earlier 1986 Order as a consequence of the Community

4. The Subordinate Legislation Committee considered this instrument on 28 March
and determined that it has no technical matters of substance to draw to the
attention of the Parliament.

5. A SERAD Executive Note is attached.

6. Should a motion for annulment be proposed under Rule 10.4, the Committee
would have to invite Ministers to debate the issue and then report to the
Parliament with its recommendation. Where no annulment is sought, the
Committee is still obliged to report to the Parliament with its recommendation,
taking into account any recommendations made by any other Committee.

Actions required on 4 April 2000
7. Members are requested to consider whether, at this juncture, the Committee
wishes to make any recommendation in its report to Parliament.

Richard Walsh
Rural Affairs Committee
Senior Assistant Clerk
March 2000
EXECUTIVE NOTE

The Crab Claws (Prohibition of Landing) (Scotland) (Revocation) Order 2000

1. The above instrument was made in exercise of the powers conferred by sections 6(1), 15(3) and 20(1) of the Sea Fish (Conservation) Act 1967. The instrument is subject to negative resolution procedure.

Policy Objectives

2. The Order revokes in Scotland (which includes the Scottish zone and in relation to Scottish fishing boats) the Crab Claws (Prohibition of Landing) Order 1986 (1986 No.496 — “The 1986 Order”). Similar Orders are being made by Ministers of the Crown to provide for enforcement in England and Northern Ireland; and by Ministers in the National Assembly for Wales for enforcement in Wales.

3. The 1986 Order prohibited the landing of crab claws in the United Kingdom if they had been detached from an edible crab (Cancer pagurus) caught within British fishery limits.

4. Provisions relating to the retention on board and the landing of edible crabs and detached claws can now be found in article 18.4 of Council Regulation (EC) No. 850/98 as amended, laying down certain technical measures for the conservation of fishery resources. This article allows for a maximum of 5% by weight of the total catch of edible crabs retained on board or landed to consist of detached claws.


Consultation

5. Industry interests have been closely involved in the development of the Community Conservation Regulation.

Financial Effects

6. There are no direct financial implications for the industry arising from this Order.

SERAD: Sea Fisheries Division
15 March 2000
Protection of Wild Mammals (Scotland) Bill

Proposed revisions 04.04.00

NEW CLAUSE 2

2 Exception: control and protection of species, etc.

(1) An individual does not contravene section 1(1) by using a dog under close control to stalk a wild mammal, or flush it from cover above ground, for the purpose of—

(a) controlling the number of a particular species in a particular place in order to safeguard the welfare of that species there;

(b) protecting livestock, fowl or game birds in, or crops growing at, a particular place from attack by wild mammals; or

(c) providing food for consumption by a living creature,

but only if that individual acts to ensure that, once a wild mammal is found or emerges from cover, it is shot, or killed by a bird of prey, as soon as possible.

(2) An individual does not contravene section 1(1) by using a dog above ground to hunt a rabbit.

A consequential amendment to the Bill will be proposed to delete the reference to rabbits in section 3(1)(a). Consequential amendments will also be proposed to revise the cross-references to section 2 in section 5(6) and (7).

In section 7 (meaning of expressions), an amendment will be proposed to place rodents outside the protection of the Bill by altering the definition of "wild mammal" to read as follows:

"wild mammal" includes a wild mammal which has escaped, or been released, from captivity, and any mammal which is living wild; but it does not include a rodent.

MIKE WATSON MSP