The Committee will meet at 2.00 pm in Committee Room 4.

1. **Items in Private**: The Committee will consider whether to take items 6 and 7 in private.

2. **Subordinate Legislation**: Ross Finnie (Minister for Environment and Rural Development) will move motion S1M-3182—

   that the Rural Development Committee, in consideration of the draft Code of Recommendations for the Welfare of Livestock: Laying Hens (SE/2002/100), recommends that the Code be approved.

   and motion S1M-3183—

   that the Rural Development Committee, in consideration of the draft Code of Recommendations for the Welfare of Livestock: Meat Chickens and Breeding Chickens (SE/2002/101), recommends that the Code be approved.

   and motion S1M-3184—

   that the Rural Development Committee, in consideration of the draft Welfare of Farmed Animals (Scotland) Amendment Regulations 2002, recommends that the Regulations be approved.

3. **Subordinate Legislation**: The Committee will consider the following instrument under the negative procedure—

   The Welfare of Animals (Slaughter or Killing) Amendment (Scotland) Regulations 2002 (SSI 2002/238).

4. **Petition PE187**: The Committee will consider PE187 from the Scottish Gamekeepers Association, calling for the Scottish Parliament to allow licensed culling of raptors under the terms of the 1981 Wildlife and Countryside Act in areas where local populations have increased beyond normal levels.

5. **Scrutiny of European Policies**: The Committee will consider a paper outlining proposed arrangements for the scrutiny of European policies.

6. **Annual Report**: The Committee will consider a draft of its Annual Report.
7. **Work Programme:** The Committee will consider a paper from the Convener.

**The following papers are attached or are relevant to this meeting:**

**Agenda item 2:**

The draft Code of Recommendations for the Welfare of Livestock: Laying Hens (SE 2002/100)


The Welfare of Farmed Animals (Scotland) Amendment Regulations 2002

**Agenda item 3:**

*The Welfare of Animals (Slaughter or Killing) Amendment (Scotland) Regulations 2002 (SSI 2002/238)*

**Agenda item 4:**

Petition PE187

Paper from the clerk

Letter from Scottish Natural Heritage

Letter from Deputy Minister for Environment and Rural Development

Letter from Scottish Natural Heritage

**Agenda item 5:**

Paper from the Convener

**Agenda item 6:**

Paper from the clerk (*for Members only*)

**Agenda item 7:**

Paper from the Convener (*for Members only*)
The Committee reports to the Parliament as follows—

1. At its meetings on 27th May and 5th June the Committee determined that the attention of the Parliament need not be drawn to the instruments listed in the Annexe to this report.

2. The report is also addressed to the following committees as the lead committees for the instruments specified:

   Justice 1
   1. SSI 2002/246
   2. SSI 2002/247

   Education, Culture and Sport
   1. SSI 2002/248
   2. SSI 2002/249

   Rural Development
   1. The Welfare of Farmed Animals (Scotland) Amendment Regulations 2002 (draft) laid on 21st May 2002
   2. The Welfare of Farmed Animals (Scotland) Amendment Regulations 2002 (draft) laid on 30th May 2002
Draft instruments subject to approval by resolution

The Welfare of Farmed Animals (Scotland) Amendment Regulations 2002 (Draft)

Question
1. The Committee asked the Executive to explain why in the new Schedule 3D paragraph 3(b) appears to lack a sub-paragraph (ii).

Answer
2. In its reply, reproduced at the Appendix to this report, the Environment and Rural Affairs Department acknowledged a typographical error in new Schedule 3D paragraph 3(b) and that sub-paragraph (iii) should be sub-paragraph (ii). The instrument is subject to the affirmative resolution procedure and in these particular circumstances, the Department has decided to withdraw the draft and re-lay an amended instrument.

3. The Department has also noted some further minor points from the Committee and taken these into account in preparing the amended draft.

Report
4. In light of the Department’s prompt and helpful response, the Committee has no further comment on the instrument. This instrument was laid before the Parliament on 21st May and the revised draft on 30th May.
Appendix

THE WELFARE OF FARmed ANIMALS (SCOTLAND) AMENDMENT REGULATIONS 2002 (DRAFT)

1. On 27 May the Committee asked the Executive for an explanation of the following matter-

“The Committee notes that in the new Schedule 3D paragraph 3(b) appears to lack a sub-paragraph (ii) and requests the Executive to explain this omission.”

The Scottish Executive responds as follows:

The Executive is grateful to the Committee for drawing attention to the typographical error in new Schedule 3D paragraph 3(b) and agrees that sub-paragraph (iii) should be sub-paragraph (ii). This instrument is subject to the affirmative resolution procedure and in these particular circumstances, the Executive considers it desirable to withdraw the draft and re-lay an amended instrument.

The Executive has also noted the Committee’s comments on the same instrument in its “printing” and minor points letter of 27 May and has taken these into account in preparing the amended draft. The Executive is grateful to the Committee for drawing these matters to its attention.

Scottish Executive Environment and Rural affairs Department

29 May 2002
Note from the Clerk

Introduction

1. This paper invites the Committee to give further consideration to Petition PE187 by the Scottish Gamekeepers Association (SGA), calling for the Scottish Parliament to allow limited licensed culling of raptors under the terms of the 1981 Wildlife and Countryside Act in areas where local populations have increased beyond normal levels.

2. The following papers are attached with this cover note:
   - A copy of the petition
   - Letter from Scottish Natural Heritage dated 28 January 2002
   - Letter from Allan Wilson, Deputy Minister for Environment & Rural Development, dated 16 April 2002, responding to the report of the UK Raptor Working Group
   - Letter from Scottish Natural Heritage dated 16 May in response to the committee letter following the meeting held on 30 April, asking whether the SGA had been invited to join the Moorland Forum.

Progress of Petition

3. On 9 May 2000, the Public Petitions Committee agreed to refer the petition to the Rural Affairs Committee and the Transport and Environment Committee to be taken into account as part of their consideration of Petition PE8 by the Scottish Homing Union (on the impact of the increasing numbers of birds of prey on the sport of pigeon racing).

4. The Transport and the Environment Committee took the lead role in pursuing both petitions. It considered PE187 at a meeting on 7 March 2001, and agreed that Maureen Macmillan MSP should be appointed as a reporter to take forward consideration of the petition. On 26 June 2001 the Transport and the Environment Committee considered a report by Maureen Macmillan. The Committee agreed to write to the Scottish Executive and Scottish Natural Heritage (SNH) to request clarification on various issues set out in the report, in order to clarify whether the petitioner’s request was possible within the current legal framework. The Committee agreed that the nature of the SGA’s involvement in the production of the report of the UK Raptor Working Group should be confirmed and the report amended as necessary.

5. At its meeting on 11 December 2001 the Rural Development Committee considered the progress made by the Transport and the Environment
Committee. On PE8 the Rural Development Committee agreed to conclude its consideration by noting the actions taken by the Transport & Environment Committee. On PE187 the Committee agreed to await the conclusion of the Transport and the Environment Committee before deciding on whether any further action was required by the Rural Development Committee.

6. Maureen Macmillan reported back to the Transport and the Environment Committee on PE187 again on 12 December 2001. She reported that there was no straightforward means of satisfying the petitioner’s request within the current legal framework. She also noted that a Moorland Working Group had been established, with membership including the Scottish Executive, RSPB, Scottish Landowners’ Federation, and the Game Conservancy Trust. SNH considered that habitat management was the best method to deal with the challenges highlighted by the petition. While the petitioners did not agree with this approach, the Transport and the Environment Committee agreed to conclude consideration of the petition by writing to the Scottish Gamekeepers Association (SGA), the Scottish Executive, and Scottish Natural Heritage to recommend that the SGA becomes a member of the Moorland Working Group, and that the views of the SGA are, where possible, taken into account in the work of the Group. On all the issues related to this petition the Transport and the Environment Committee considered that dialogue between the various parties involved was important, and that the Moorland Working Group was the best forum for this dialogue.

Developments since the Transport & the Environment Committee concluded consideration of the petition

7. On 14 January 2002 a petition (PE449) on a related matter was submitted by the SGA, calling for the Scottish Parliament to initiate an independent investigation into the impact of predatory birds on waders, songbirds, fish stocks and gamebirds. On 26 March 2002 the Public Petitions Committee considered responses from Scottish Natural Heritage and the Scottish Homing Union in relation to the issues raised. The Committee also agreed to pass a copy of the petition and related correspondence to the Clerks to the Rural Development and Transport and Environment Committees for information only at that stage. The PPC has subsequently referred PE 449 (which effectively supersedes this petition) to the Transport and Environment Committee for consideration.

8. In a letter dated 28 January 2002, SNH indicated that the Moorland Working Group (referred to at paragraph 6 above) had now been replaced by a Moorland Forum. SNH confirmed that the SGA would be invited to join this Forum.

9. On 16 April 2002, the Deputy Minister for Environment and Rural Development announced the Executive’s response to the UK Raptor Working Group Report. The responses to recommendations 12 and 15-18 are particularly relevant to PE187, and confirm the progress being proposed by SNH.
10. The Rural Development Committee discussed this petition on 30 June, and decided to write to Scottish Natural Heritage, asking whether the SGA had been invited onto the Moorland Forum. The response to this letter is attached and indicated that SGA have been invited to be part of the forum and that the first meeting is scheduled for Friday 14 June.

**Options for the Rural Development Committee’s further consideration of the Petition**

10. The Committee is asked to consider how it wishes to take forward or conclude consideration of this petition.

**Option A**

11. The Committee may consider that the issues raised by the petition have been sufficiently examined, and that dialogue by the various expert bodies on the Moorland Forum is the appropriate means by which to tackle the detailed concerns of the petitioner. In this case, the Committee is invited to conclude the petition by noting it, and passing to the petitioner a copy of the *Official Report* of the Committee discussion.

**Option B**

12. The Committee could note and close the petition, but write to the Minister or Scottish Natural Heritage expressing any relevant concerns.

**Option C**

13. Alternatively, the Committee can take any other competent action it deems appropriate, (including taking further written evidence from the main parties involved (namely the SGA, SNH and the Scottish Executive)). In considering the scope of any other suggested action on the petition, members may wish to take account of the Committee’s other agreed work commitments, especially in relation to consideration of legislation, and the Integrated Rural Development inquiry, over the next few months.

Jake Thomas  
Assistant Clerk  
Rural Development Committee  
11 June 2002