



OFFICIAL REPORT
AITHISG OIFIGEIL

Rural Affairs, Islands and Natural Environment Committee

Wednesday 10 November 2021

Session 6



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Pàrlamaid na h-Alba

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Wednesday 10 November 2021

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RURAL AFFAIRS, ISLANDS AND NATURAL ENVIRONMENT COMMITTEE

10th Meeting 2021, Session 6

CONVENER

*Finlay Carson (Galloway and West Dumfries) (Con)

DEPUTY CONVENER

*Beatrice Wishart (Shetland Islands) (LD)

COMMITTEE MEMBERS

*Karen Adam (Banffshire and Buchan Coast) (SNP)

*Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP)

*Ariane Burgess (Highlands and Islands) (Green)

*Jim Fairlie (Perthshire South and Kinross-shire) (SNP)

*Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)

*Jenni Minto (Argyll and Bute) (SNP)

*Mercedes Villalba (North East Scotland) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Libby Anderson (Scottish Animal Welfare Commission)

Dr Paula Boyden (Scottish Animal Welfare Commission)

Professor Cathy Dwyer (Scottish Animal Welfare Commission)

Dr Pete Goddard (Scottish Animal Welfare Commission)

Dr James Yeates (Scottish Animal Welfare Commission)

CLERK TO THE COMMITTEE

Emma Johnston

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Rural Affairs, Islands and Natural Environment Committee

Wednesday 10 November 2021

[The Convener opened the meeting at 10:00]

Animal Welfare

The Deputy Convener (Beatrice Wishart):

Good morning, everyone, and welcome to the 10th meeting in session 6 of the Rural Affairs, Islands and Natural Environment Committee. I remind members who are using electronic devices to switch them to silent mode. Apologies have been received from Finlay Carson and Mercedes Villalba. As a result of Finlay's absence, I am convening the meeting in his place.

Our first item of business is an evidence session with the Scottish Animal Welfare Commission. This session was postponed on 29 September due to technical difficulties. I put on record my thanks to the members of the commission for agreeing to rearrange their evidence session. I welcome the chair of the commission, Professor Cathy Dwyer, and a selection of its members: Libby Anderson, Dr Paula Boyden, Dr Pete Goddard and Dr James Yeates.

I invite Professor Dwyer to make an opening statement.

We are having some technical issues. Professor Dwyer, will you check whether you are on mute?

Have we got sound? Yes. I ask Professor Dwyer to make her opening statement.

Professor Cathy Dwyer (Scottish Animal Welfare Commission): Thank you. On behalf of the entire Scottish Animal Welfare Commission, I thank you for the opportunity to present our views on animal welfare. We welcome the continuing—[Inaudible.]—Scottish Government in animal welfare. The increase in animal welfare legislation and the inclusion of animal welfare activities in all recent programmes for government have been important signals that animal lives matter to Scotland. That activity includes setting up SAWC—that is how we tend to refer to ourselves—as an independent body that is able to set its own priorities, respond to the concerns of stakeholders and provide independent recommendations to Government about animal welfare.

Importantly, SAWC's remit covers the welfare of free-living wildlife, where definitions of animal welfare apply from a science perspective, around

animal function and experience, but—[Inaudible.] That is an important distinction, and we think that part of our remit offers Scotland the opportunity to be—[Inaudible.]—of the welfare and ethics of our interactions with wildlife, and it potentially enables us to set principles and guidelines for safeguarding wildlife welfare that are world leading.

Animal sentience is a key principle for the commission in its work. We have defined it as

“the ability to have physical and emotional experiences, which matter to the animal, and which can be positive and negative”.

We consider that animal sentience should be given due regard in all policy making and that any legislation, not only that relating directly to animals, should conduct an animal sentience impact assessment to consider its effects on all sentient animals that would be impacted. [Inaudible.]—trade negotiations and other policy areas such as the good food nation.

Our remit includes consideration of both legislative and non-legislative approaches to improving animal welfare. [Inaudible.]—Scottish Society for the Prevention of Cruelty to Animals on the need to increase animal welfare education in schools, including in early years education and curriculum for excellence. An understanding of animals as sentient beings should be a key principle of our interactions and decision making around animals, and it is critical to embed that in early education.

Overall, there is a need for better understanding and application—[Inaudible.]—methods in encouraging Scottish citizens to do the right thing with regard to animals. Examples might include choice of breed in buying of pets, the use of animals in some forms of entertainment and interactions with wildlife.

As a commission, we think that there are many important areas to consider in animal welfare. We look forward to our discussion with the committee and to addressing your questions.

The Deputy Convener: Thank you, Professor Dwyer. We still have some technical problems—I hope that broadcasting can sort them out as we go along—but I think that we got the gist of your opening comments.

How has the commission created its work programme? Has there been any involvement of the Scottish Government? What progress it has made so far in relation to achieving the objectives of the work plan?

Professor Dwyer: The audio was cutting out a bit, but I think that I got the gist of the question.

We are independent—[Inaudible.]—work that we take those decisions as a consensus within the commission. We engage with the animal welfare policy team from the Scottish Government, which provides the secretariat for SAWC and has been instrumental in setting it up. However, it does not impact on our decision making, which is agreed through a process of working groups and discussions in the commission, followed by agreement on the principles and recommendations. As well as that engagement with the Scottish Government through the animal welfare policy team, we engage with NatureScot, Marine Scotland and the Animal and Plant Health Agency, depending on the issues that we are thinking and talking about. [Inaudible.]—of legislation that each of those teams—[Inaudible.]—of relevance to our thinking in setting up our work plan, but that does not define the work plan.

The commission draws commissioners from a broad base, and they have particular interests in their different sectors and areas. In drawing up our work plan, we—[Inaudible.]—different areas and arrive at a set of priorities or key areas, in which the concerns are considerable or it is timely to put forward an opinion and do a piece of work. An example would be our quick response around ear cropping in dogs, which was an area in which we felt that we could say something useful. There was no—[Inaudible.]—in-depth piece of work to weigh up different areas, because we felt that the welfare concerns were clear and obvious and we were able—[Inaudible.] Other pieces of work are more complicated, requiring us to weigh up different principles or different—[Inaudible.]

Our work plan has evolved through discussion and through our particular interests. At the moment, we are working on setting up a sub-committee of the commission that will help us to prioritise areas in a more formal way. [Inaudible.]—animal sentience and weighing up different areas should help us to define which areas are—[Inaudible.]—moving forward.

The Deputy Convener: I represent a seafood fishing area, so you will not be surprised at the next question. I note that the commission wants to introduce protections for cephalopods, crabs and lobsters. What would that involve and how would it impact on seafood fisheries?

Professor Dwyer: That question is one that we could have anticipated. I will make a start and then pass it on to James Yeates and Libby Anderson for their inputs. The piece of work that started that was a consideration of whether, having made our definition of animal sentience, the current rules and legislation that apply only to vertebrate animals are sufficient, in terms of which animals

are sentient, or whether other animals should be brought under those protections.

We believe that the weight of scientific evidence suggests that species that are not currently covered by legislation are, in fact, sentient. They have passed the scientific threshold for that. Those animals have reached a similar level of sentience, so it does not seem logical to us that the law differentiates against them.

I will hand over to James Yeates, who was involved in that work.

Dr James Yeates (Scottish Animal Welfare Commission): The work that we did looked at the scope of consideration. We defined sentience as

“the ability to have physical and emotional experiences, which matter to the animal”.

We then considered how to assess that, in order to determine whether those animals should be considered in policy making and morally.

We looked at four main criteria that provide evidence of sentience. One was how genetically related a species was to humans, because we know that we are sentient. Evolution can come up with similar processes and functions in different ways, so a species not being closely related to humans is not a reason to conclude that it is not sentient, although that is worth considering.

The second criterion was the form of the animal: its anatomy and physiology. Sentience can come in different structures; it does not have to be exactly like it is in humans and vertebrates. We found evidence in cephalopods of nerves that respond to painful stimuli and that can become sensitised by previous injuries or early life experiences. Those nerves can be affected by anaesthesia drugs, for example.

The next category that we looked at was behaviour. Cephalopods can show evidence of response, particularly to injury but also to distressing situations such as electric shocks, and they can learn to avoid those. They can become sensitised to such injuries. On the positive side, a more enriched environment can also alter their behaviour.

We know that cephalopods have complex intelligence, a classic example of which is their ability to open jars. Although sentience is not about intelligence, that shows a degree of flexibility in how they respond, which is further evidence for feelings.

We also made qualitative behavioural assessments by looking at the animal as a whole.

The weight of all that evidence was sufficient to conclude that, on the balance of probabilities, cephalopods are sentient. They have experiences that matter and that should be considered.

There will be implications depending on how one considers that. We made sure that we did not look at it the other way around. We did not start by worrying about the implications and therefore changing our assessment of sentience. All that we concluded was that those experiences should be considered. They could be more or less considered. We also know that other species are sentient, but we still harvest, farm and carry out research on them. When we do that, we take their sentience, and particularly their potential for suffering, into account.

Ariane Burgess (Highlands and Islands (Green)): Thank you for joining us. I hope that the technology works throughout the meeting.

I am pleased to see that your work programme includes the task of preparing a report on welfare on salmon farms. Could you please tell us whether and how that will build on the report of March this year by Compassion in World Farming and OneKind, "Underwater Cages, Parasites and Dead Fish: Why a Moratorium on Scottish Salmon Farming Expansion is Imperative"? Do you believe that there is sufficient reason to put in place a moratorium on new salmon farms until animal welfare concerns are addressed? If not, would you propose strengthening aquaculture regulations through legislation to bring the legislation on welfare for fish more closely into line with that for other species?

I am not sure who to direct the question to, but maybe Cathy Dwyer can help me with that.

10:15

Professor Dwyer: I can start, but I might hand over to Libby Anderson, if that is okay.

Aquaculture is a really important topic. Although the commission does not specifically look at farmed animals—[Inaudible.]—the Scottish context, so we have started to consider welfare issues that are associated with farmed salmon and other farmed fish.

It is a huge area and, because of the amount of work that is going on in this space and our ability to focus on things only bit by bit, we have been focusing in particular on the use of acoustic deterrent devices—[Inaudible.]—for salmon production. That is not to say that any of the other issues are not important, but a lot of research is being done on sea lice and other ways of improving the welfare of farmed fish. There was particular concern in this area around the use of acoustic deterrent devices to deter seal predation on farmed fish, but there was also the impact on European protected species—[Inaudible.]—impact with regard to disturbing cetaceans.

It is a really challenging area. We have three separate sentient species, all of which we are concerned about from a welfare point of view. Fish definitely come under our definition of sentience and should be afforded protection under legislation; indeed, they fall under the Animal Health and Welfare (Scotland) Act 2006. There are other pieces of legislation that apply to seals and cetaceans, which also have potential welfare issues. Weighing up the different aspects is challenging from not only a scientific but an ethical point of view.

We are considering certain issues with regard to fish farming. We are still doing that work, and we do not yet have a space where we can raise concerns or make recommendations about how we see progress being made in this area—[Inaudible.]—for farmed fish. If the number of fish farms is increased, we will need to try to resolve some of those issues as we move forward.

It is an area of work that we are looking at, but I will pass over to Libby Anderson, who will pick up the issue from a policy and legislation point of view.

Libby Anderson (Scottish Animal Welfare Commission): The essential thing is that we look at the welfare of the fish as well as the welfare of the marine mammals that Cathy Dwyer has just described. I do not think that the commission currently has a policy on a moratorium—our work is still at a very early stage—but the welfare issues that have been identified include sea lice burden. The report that Ariane Burgess mentioned contained evidence of significant welfare issues in that respect, including fish almost being eaten alive, being significantly wounded or suffering damage to their flesh, and I expect that the commission will look at that.

There have been long-standing concerns about the effect on welfare of stocking densities, the treatments for sea lice and the mortality rates, which are as high as you will find in any intensive farming system. Cathy Dwyer mentioned the fact that fish are sentient animals; there is no question about that. All those matters must be considered in the context of a Scottish Government commitment to increasing the economic input of salmon farming by 2030.

As I have said, we are still in the early stages of our work in this area. Given that we still need to work through all these issues, it would probably be wrong of me to suggest that we would support a moratorium. Indeed, that is not our role. However, we are very aware of the issues.

The other relevant thing at the moment is Professor Griggs's inquiry. If you look at the inquiry's terms of reference, you will see that it is not about welfare. Sometimes, it can be a concern

where environmental regulatory issues trump concern for welfare. However, I suppose that that is why we are here—to keep that on the agenda.

Ariane Burgess: I have another question on a different topic. I noticed from your work programme that you will be looking at abattoirs. What are your views on local and mobile abattoir provision? Would such provision help to improve animal welfare and, if so, how? What other benefits would local abattoirs provide for animal welfare?

Professor Dwyer: I can speak to that to begin with, after which I might hand over to Pete Goddard to give extra views and to correct any mistakes that I might make. My connection is not very stable, so, if you are missing things, perhaps he can fill in some of the gaps.

Our thinking in that area relates to the discussions around animal transport, particularly animal transport to slaughter, and consideration of a ban on live export, which we support from an animal welfare point of view. However, we appreciate that that brings particular issues for more remote communities in Scotland. Even movement within the UK can be significant for animals; I am thinking of animals being moved off islands. We know from some of the research that has been done in Scotland that it is not just movement out of the British isles that causes problems for animals—any movement does that. Transport is a significant welfare problem. It is also visible, and we know that citizens find it quite distressing to see animals—[*Inaudible.*]

A potential solution is to reduce movement journeys and to slaughter animals as close as possible to where they are reared. We have had representations about that from farmers and vets who work in some of the more remote islands, such as Orkney's, where that is a particular issue.

From an animal transport point of view, it is valuable to have mobile slaughterhouses or small local abattoirs that can slaughter animals close to their rearing location. However, the concern is about other aspects of animal welfare and, indeed, some of the environmental impacts of slaughterhouses. At the moment, there is not a huge amount of research on that issue, but people are starting to think about it, including the ability of slaughterhouses to provide suitable stunning and suitable lairage. Abattoirs might slaughter only relatively small numbers of species or they might slaughter multiple species.

There are a number of aspects that we need to consider. Essentially, we need to consider animal welfare in the round and look not only at shortening transport journeys, but at what the end-of-life experience is for animals with the different approaches.

In general, local and mobile abattoir provision seems like a useful solution to reduce animal transport and improve welfare, but we still need to know more about the animals' end-of-life experiences in the different environments.

Pete, do you want to add anything? Do you have any additional views to express?

Dr Pete Goddard (Scottish Animal Welfare Commission): Thank you for passing the question on to me, Cathy.

The main points have been covered. People very much think about journey length when considering the animal experience. At the moment, quite a bit of work is being done on whether the sea crossing part of a journey in a container counts as part of the journey length. That is an important consideration, too.

An animal's experience at the end of its life is very important. The issue is about not just the journey to the abattoir, but the conditions at the abattoir. A mobile abattoir system—it is not just a facility; it is a whole system—would need to provide the same welfare care for the animal as it currently experiences in a large abattoir, where it is possible to offer all the benefits of good handling and oversight. That is very important.

The care of the animals is key, but there is also a lot of concern about the infrastructure that is needed at the site of a mobile abattoir. It is a considerable undertaking to provide power, water, drainage and removal of materials.

It is quite a big question and, as Cathy Dwyer said, there has not been a lot of work in this area. It is on SAWC's radar, but we have not yet done any specific work on it, I am afraid.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I have a small supplementary question on the practicalities of moving animals.

Cathy Dwyer said that it was difficult to get animals from, say, Orkney to wherever they are going in the rest of the UK. How will the Animal Welfare Commission ensure that we have shortened food supply chains when somebody does not finish an animal in the north and it needs to go to lower land? Will you look at that from an animal welfare point of view or from a food supply chain point of view? We all advocate shorter food supply chains.

I put that question to Pete Goddard; I am sorry that it was so long.

Dr Goddard: To be honest, that question overarches a lot of what we do. Our priority must be to consider the animal welfare aspects, but there is a difficulty because, sometimes, a trade-off is made between one animal welfare harm or

benefit and a different type of harm or benefit. An overall cost benefit analysis needs to be done. We cannot consider a particular aspect of the transport-to-slaughter process on its own; we need to do it in the round.

There are a number of frameworks for doing that. The five domains model for animal welfare is one. However, although we can be supplied with a lot of scientific information, at the end of the day, an element of judgment is needed to determine what, given contemporary understanding, is the best solution, which might be counterintuitive. We try to bring all the evidence on board but, sometimes, the decision is not based solely on scientific principles and an element of expert judgment comes into play.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): I appreciate the importance of what the commission does and I am fully signed up to the animal welfare principles on which it is based and, indeed, to much of what you report to us. However, I represent an island constituency in which fishing and creeling are important. People are curious to know where your recommendations about crabs and cuttlefish are leading. I understand why, independently, you have to come to the views to which you come about sentience, but what do you expect people to do? Are you looking for people to change how they cope with bycatches and creels? What would you like us to do to improve the lot of a crab?

Professor Dwyer: I will start on that question. Any of my colleagues who wish to make their opinions known can do so, as well.

Broadly speaking, our work shows that the same considerations that are given to fin fish—vertebrate fish—should also be given to cephalopods and decapod crustaceans because, from a scientific and ethical point of view, there is no real evidence that they should be treated differently. That is our recommendation from a welfare perspective. We understand, of course, that communities have many competing issues, and often the same is—[*Inaudible.*]

10:30

Pete Goddard made the point that our job is to provide advice that is based on animal welfare. Obviously, we might make some recommendations. I appreciate that, for some communities, that could involve changed behaviour in dealing with those species. We appreciate that that can be challenging and difficult for those communities. However, our view is that the scientific and ethical reasoning that we have applied suggests that those animals are not particularly different from fin fish, so any legislation

that is—[*Inaudible.*—and wild capture fishing should also apply to those other species.

My colleagues might wish to add something to that.

Libby Anderson: We must consider that the bar is thought to be met with regard to the sentience of those animals. The effect is that the recommendation is that they should come under the protection of the Animal Health and Welfare (Scotland) Act 2006. Currently, section 16 of the 2006 act defines protected animals as vertebrates. It allows the Scottish ministers to extend that definition to invertebrates, as long as they have evidence that the invertebrates are capable of experiencing pain and suffering. The commission has established to its own satisfaction that they are. In practical terms, that means that they have the same protection under the law as other wild animals when they come under the control of man, other farmed animals and animals that are harvested. The protection that is given is protection from “unnecessary suffering”, which is what we would normally consider to be cruelty.

The 2006 act also contains exceptions for anything that is done in the course of fishing, which might give members some reassurance. Once lobsters, crabs and octopuses come under the control of man—that is, when they are in captivity or are about to be killed—the practical impact of the protection would relate to aspects such as killing methods. There is widespread opposition to boiling lobsters and crabs alive, and there are alternative methods of killing those animals that are arguably more humane. That approach has been applied in other jurisdictions, such as New Zealand, where there is much more guidance about other methods of killing.

On the keeping of animals, a few years ago there was a case in England about live lobsters being wrapped in cling film and displayed in a supermarket for a number of days. Such a practice would be the first object of such legislation. Once they are given equivalent protection under the 2006 act, that would prevent unnecessary suffering. Does that sound more proportionate to you?

Dr Allan: That is very helpful. One of my questions was about species for which the only practical method of getting them to market might be getting them there live. Prawns are the obvious example. I think that people can readily understand the point in your supermarket example. However, anxiety might be expressed in communities whose whole economic model is based on getting prawns live to market, for example. Would what you are saying about some species, such as crabs, have an impact on such trade?

Libby Anderson: [*Inaudible.*]—assuming that it is accepted into legislation, and then the practical effect would need to be worked out. I am sure that that would be done with stakeholders. The notion of “unnecessary suffering” is a debatable issue, but it is generally accepted that farming, or the harvesting of wild animals, is a reasonable purpose because it provides food for people. We might have personal views about what it is acceptable to do to an animal but, when the legislation comes in, it would take a much broader brush approach.

Dr Allan: Thank you very much. That is helpful.

The Deputy Convener: Dr Yeates, do you want to come in on that?

Dr Yeates: The major points have been very well covered. It is worth pointing out that our conclusions so far have been about cephalopods—in other words, octopus and similar species—rather than decapods, but one would take a similar approach to deciding whether they are due moral consideration in policy making. As Libby Anderson has said, that consideration can then take account of the wider factors, some of which might be the trade-offs that Pete Goddard talked about earlier. However, in other cases, we might well expect concern for moral welfare to be aligned with other sustainable or development concerns, particularly in the long term, or with health matters.

That further work has still to be done. At this point, we just need to ensure that we do not go the other way with our logic and say that we will not consider the sentience of those animals because of the potential impacts. We need to recognise their sentience and then work out what is proportionate, reasonable and sensible.

The Deputy Convener: I will take a question from Jenni Minto and then go back to Ariane Burgess.

Jenni Minto (Argyll and Bute) (SNP): I want to go back to Dr Goddard’s point about trade-offs and incorporating local wisdom into research. I am also interested in hearing about your engagement with the Russel Griggs review of regulation, which was mentioned in response to Ariane Burgess’s questions.

Dr Goddard: Thank you for asking about trade-offs. That is a difficult area—I am sure that that is why you asked the question.

When we look at different aspects of animal welfare, we might see trade-offs between different welfare benefits in a production system, for example. Let me take a quite simple example. In an uplands setting, an animal might make a trade-off between housing and the quality of food that it is provided with. That sort of thing is difficult to

assess scientifically, but there are other ways of approaching the issue.

Those are, if you like, internal animal welfare trade-offs, but there are other trade-offs that can be made between animal welfare and, say, societal, producer or public needs. That brings in a wider constituency beyond the commission. I see our role primarily as providing evidence on the former kind of trade-offs, while the trade-offs involving animal welfare and some other priority will be more a matter for political and public debate. That is where policy making plays a role—in a way, that is its prime role. We can provide advice and support in that respect, but with our animal welfare hat on.

Jenni Minto: Perhaps I can be slightly more specific. In research carried out by Thompson and others, there was evidence that seal blinds and false-bottomed nets might be impacting on fish health by reducing water flow. In other words, measures to protect fish from seals are not actually helping the welfare of the fish. That is what I was getting at. Does that make sense?

Dr Goddard: I think that Cathy Dwyer can take that question.

Professor Dwyer: Indeed—I am involved in the work on aquaculture.

You are absolutely right. We can propose ways of improving the management of fish through the exclusion of seals, but such solutions need to be seen in the round with some of the other impacts. In your first question, you referred to local knowledge. I think that it is important that our ways of working do not rely entirely on the published scientific literature, particularly in areas in which there is not a lot of information.

The farmed fish-wildlife conflict is a really good example of that. We have taken evidence from stakeholders, as well—we do that in most of our working groups. We ask people with a vested interest in those industries for their views as much as we look at scientific literature.

We have consulted quite widely on seals and fish farming, and we have had really helpful feedback from the salmon producers organisations and the British Trout Association. We have spoken to quite a wide range of other stakeholders, because a great deal of the understanding of how these things are managed in practice is not available in the scientific literature. Although we have talked quite a bit about our use of science and scientific evidence—which is important in what we do, particularly in understanding things such as animal sentience—we are aware that there is also a lot of useful and valuable expertise and knowledge in the hands of producers, and we are keen to capture that.

The issue with seals and fish farming is a really challenging example of that. As with terrestrial animals, if you want to keep a predator out, you start with the barriers—that is how we keep predators away from the animals. That is the approach that fish farms have taken, but there are particular challenges in aquatic environments. We are aware that the producers are working on that themselves, and that interaction with the producers has been beneficial in helping our understanding. That will be taken into account in our recommendations and guidance and in our thinking about the possibilities. The stakeholders have given us useful information, including their unpublished data and videos and images of what happens on the farms, and we have taken all of that into consideration.

The Deputy Convener: Thank you. We move on to questions from Ariane Burgess.

Ariane Burgess: The 2021-22 programme for government and the shared policy programme with the Scottish Greens include many commitments that relate to animal welfare, including to strengthen controls on sea lice, wrasse and escapees from fish farms; to consider whether the Scottish SPCA should be given extra powers to investigate wildlife crime; and to explore the introduction of a public register of species licences. How can SAWC support the areas of legislative policy development that are set out in the programme for government and the shared policy programme? Will those announcements have an impact on your work programme? I realise that that is a very big question, so a high-level response will be welcome.

The Deputy Convener: Who wants to respond to that?

Professor Dwyer: Libby Anderson tends to take on legislative questions for us, and Paula Boyden might comment on the parts of our work programme on the importation of and trade in dogs.

Libby Anderson: First, with regard to the task force looking at the extension of powers for the Scottish SPCA, I have a view that relates to an enforcement issue. My personal opinion is that any additional resource to combat wildlife crime is to be promoted and encouraged. However, with my SAWC hat on—I am not sure what colleagues think—I am not certain that we would be directly involved in that. It is certainly a policy and enforcement issue that I am keenly interested in but, unless Cathy Dwyer thinks otherwise, or unless it is referred to the commission, which could happen, I am not sure that our sort of advice would be useful input.

10:45

Species licensing is such a large area. It springs from conservation, the Wildlife and Countryside Act 1981 and licensing under section 16 of that act. There have been challenges to, for example, the general licences for the taking and killing of wild birds, and, although those challenges have been made south of the border, the impact has been felt up here. The test for issuing a species licence, be it a specific licence for control of a protected animal or a more widespread, general licence covering, say, stoats, corvids, pigeons and so on, is that there is no suitable alternative.

With regard to tests, I think—again, I am speaking from my point of view—that the commission would be keen for more attention to be paid to the welfare aspects. The issue is not covered by the legislation at present, but clearly the licensing authorities and the Scottish Government are keenly interested in welfare and want to make it one of the principles by which they act.

Either it is in the PFG or it has been mentioned previously, but there are proposals for a strategic approach to wildlife management with principles attached. The commission is yet to discuss that in detail, but we would be keen to see ethical and welfare-based principles built into wildlife management, whether under licence or not.

I apologise—I cannot remember the third part of your question. Perhaps you can remind me.

Ariane Burgess: I gave some examples and talked about strengthening controls on sea lice, wrasse and escapees from fish farms, but I also wanted to get a sense of the impact that the announcements in the PFG and the shared policy programme might have on your work programme. You have begun to outline that, but perhaps you could say a little about controls on sea lice, wrasse and escapees first. I am aware, though, that we have already touched on the issue of fish farms quite a bit.

Libby Anderson: I am not—*[Inaudible.]*—sub-group has looked at the use of cleaner fish. Cathy Dwyer can keep me right here but, again, there are welfare issues surrounding that. There might even be population and conservation issues with regard to where the fish are taken from, but there are certainly issues with regard to their welfare and what happens to them at the end. Are they just allowed to die of starvation or are they culled once the salmon population has been harvested? As I am not on that group, I pass the question to Cathy Dwyer.

Professor Dwyer: The issue of cleaner fish was on our list of things to look at and I think—*[Inaudible.]*—concern around the licensing of acoustic deterrent devices that—*[Inaudible.]*—

asked for our help with that. It turned out to be a substantial issue to deal with, but it also helped us to set some ethical principles and put in place some ethical frameworks that could be applied to other issues.

Cleaner fish will come back on to our radar once we have worked through the salmon issues. There are only so many things that we can do, and there are some urgent and some longer-term—*[Inaudible.]*—deal with. It is a bit harder to say when we will get to those matters. We often start with what we think is quite a focused question, then it turns out to be quite substantial and it takes some work to get through it, particularly if there are a lot of competing interests to take into account.

The broader question of how the programme for government might shape our work programme is something that we consider. Every time the whole commission meets, we look at our work plan, and adjustments are made. If there are things in the programme for government on which we might need to make a statement or recommendations on which the Scottish Government or one of the agencies might specifically ask us for help, we will certainly discuss the issues in our plenary sessions and decide whether we should focus on them, although that does not necessarily mean that we will do so.

Dr Paula Boyden (Scottish Animal Welfare Commission): On Cathy Dwyer's comments on the PFG and working with other Governments to manage the importation of dogs, I note as an individual who works across Administrations that there are sometimes benefits to working individually. For example, my work with the Scottish Government on introducing the regulation of animal welfare establishments has been really helpful to me because I can use that with the other Administrations. However, on the importation of dogs, it is important that we work across the board to ensure a consistent approach.

A broader issue on which the commission can contribute is that the importation of dogs is very much associated with supply and demand. As you will be aware, the Animal Welfare (Kept Animals) Bill is going through at Westminster, and the Scottish Government is progressing with a legislative consent memorandum as part of that. Now is the time to step back and take a holistic view of supply and demand. With regard to demand, the Scottish SPCA is running a campaign that looks at the consumer side, but we need to look at where the legislative gaps are.

For example, the recent introduction of the licence for activities involving animals brings in Lucy's law, which is a ban on third-party sales. That is quite appropriate. However, putting my day-job hat on for a moment, I can tell you that

there has been an increase in the importation of heavily pregnant female dogs into the country. That circumvents the ban, because the fact that someone has a mum as well as her pups means that they can sell those pups.

For us, a key gap is the traceability of dogs. Until we have that, those who are involved in these activities will—unfortunately—continue to have opportunities to make money. I think that the commission has a great opportunity to identify such gaps and enter dialogue with the Scottish Government on how and where they can be plugged.

The Deputy Convener: That is helpful, and it takes us neatly to our next theme, which is other UK legislation. Jim Fairlie has some questions on that.

Jim Fairlie (Perthshire South and Kinross-shire) (SNP): What is your view on animal welfare regulation being made at the UK level? Are there any implications for the engagement of Scottish stakeholders in having UK-wide legislation on devolved areas?

Professor Dwyer: I will start on that, and then Paula Boyden might want to comment on the trade for—*[Inaudible.]*—and other animals coming into the country.

On the proposed changes in legislation, particularly on trade and the movement of animals, it is difficult and challenging to have different animal welfare legislation in different parts of the UK. I am sure that Paula Boyden can talk more eloquently than I can about the ways in which people try to circumvent legislation, but the fact is that, if there is UK legislation, the animals will have to come in through a different route. That is potentially as true for farmed animals as it is for the trade in pets.

Dr Boyden: One of the challenges with regard to importation is points of entry. A lot of dogs that are imported through ports in the south-east of England will end up in Scotland, and having the same legislation across all the Administrations will certainly enhance our ability to deal with these issues. I do not feel that they can be dealt with through having different approaches at the devolved level. We have to encourage stakeholders in the devolved nations to look at the area holistically.

I will put on my day-job hat for a moment. We have found that people who have been involved in the illegal importation of puppies into the UK for many years are very quick and very good at changing the way that they operate. For example, we know that a lot of puppies were illegally imported into the UK through the pets travel scheme via non-commercial routes, and, when we went into lockdown due to the Covid restrictions,

there was an almost overnight swap to using commercial routes for that.

It is important that we do not underestimate the ability of the individuals who are involved in these activities. Any nuance between pieces of legislation could give them an opportunity to exploit a potential loophole.

Jim Fairlie: Will you clarify what the UK-wide position is in relation to dog chipping? All my dogs have had to get chipped.

Dr Boyden: It is mandatory across all the UK Administrations to microchip dogs. You might be aware that there are proposals south of the border to introduce mandatory microchipping of cats, but there are challenges with how the system is run. When compulsory microchipping was introduced, in 2016, there were four databases. We are now up to 16 databases, but there is no easy way to access information across them, because there is no single point of contact. Until that is resolved, there are concerns about introducing further compulsory activities.

In relation to penalties, I note that—forgive me, but I am speaking about the situation south of the border—if somebody has a dog that is not microchipped, they are given a window of time in which to microchip it. We need immediate, on-the-ground penalties, because they will act as an incentive to encourage dog owners to get their dogs microchipped. A lot could be done to tighten that legislation up, and it makes sense to have parity across all the Administrations.

You may recall from when the legislation was going through Parliament that the initial drafts in Westminster and Wales, which were drafted separately, contradicted each other. It is important that the Administrations talk to one other in order to make sure that we have good, solid, robust and enforceable legislation.

Jim Fairlie: I came across one of those points. I had a dog that went to another farmer and they could not find the chip, even though the dog was chipped and I had all the paperwork. There were only four databases at that point. If the number is now up to 16, how can we tie down the ability to track dogs? I want to consider that, because it is essential to our ability to make progress on the issue.

Dr Boyden: That is a good question. It is one of the areas of frustration that there is no single point of contact. Back in the day, when we had four databases, there was a proposal to have a single point of contact, but unfortunately it did not happen. My professional qualification is as a vet, and, if I find myself standing in a consulting room with a stray dog that has been brought in, I will potentially have to use 16 databases to find the owner. They need to be tied together.

The other challenge that we have is that there is no robust guidance to deal with any sort of keepership dispute. The databases are run as a business, but there needs to be a good and robust process to deal with things such as keepership disputes.

Jim Fairlie: I presume that Ireland is still the biggest market for pups being bred and pregnant bitches being produced. There is a reasonably good trade of working sheepdogs between Ireland and the UK. Do you have a view on whether sheepdogs should be transferable between Ireland and the UK?

11:00

Dr Boyden: There are routes for moving those dogs across, but, as Ireland is an EU member state and the UK is no longer part of the EU, they will need to go through the appropriate channels. The other example of where Ireland is a significant source of dogs is that over 80 per cent of the greyhounds that are raced in Great Britain were bred in Ireland.

Those transport routes exist, but the challenge is that, on the island of Ireland, the Republic is part of the EU while Northern Ireland is part of the UK. I appreciate that this is not the forum in which to discuss those kinds of challenges, but there are significant challenges with regard to the routes and mechanisms that are used and whether, for example, passports are needed.

With regard to microchipping and traceability, the committee will be aware that, during lockdown, there was a reported increase in the theft of pets, particularly dogs. If we are looking at the microchipping of cats, we need to have traceability as well, so that we know whether a cat has been stolen or has run away, been hit by a car or whatever. There are border issues as far as microchipping is concerned, and theft is one of them.

Dr Yeates: On the issue of cats, which Dr Boyden picked up at the end of her response, evidence from other charities—this is no longer my day job—has highlighted similar patterns, with prices going up by 40 per cent. Some cats have been sold in Scotland for several thousand pounds. Seizures of cats across UK borders have doubled, and those trade and transport routes need to be joined up if we are to avoid any loopholes.

There are a range of views on chipping, but there is a broad consensus on the value of chipping cats and on chipping being as important for cats as it is for dogs. There are issues with the databases that need to be solved, but that does not preclude the value of microchipping cats, which needs to be compulsory if we are to sort out

the issues. Again, I am representing a range of views in that respect.

Rachael Hamilton: Can I ask Dr Boyden a supplementary question, convener?

The Deputy Convener: Yes.

Rachael Hamilton: Your comments on strengthening the protections for animal welfare with regard to the pet trade and companion pets were really interesting, but will the data collection issues that you and Dr Yeates have highlighted be dealt with on a UK-wide basis? Are animals being imported into Scotland that we do not know about and that cannot be traced through having a common framework across the country? Does the issue need to be looked at from both a devolved and a UK-wide perspective?

Dr Boyden: Traceability is a really interesting and challenging issue. With regard to importation from overseas, I am sure that you are aware that, under the pet travel scheme rules, a cat, a dog or, indeed, a ferret needs to be microchipped and vaccinated against rabies and to have a passport.

However, there are two big challenges in that respect. First, the microchip does not have to be registered on any database at all, which means that you could come across an individual animal with a microchip that has not been registered anywhere. The second challenge, which causes me great concern, is that there is no traceability on entering the country.

I completely subscribe to the British Veterinary Association's evidence on dogs and the risk of diseases coming into the country, but, aside from making registration on a database mandatory, ideally, we should be ensuring that microchip numbers are logged at whatever point of entry is used.

Logging a microchip number gives you a date stamp, which is important. We have seen—and we are aware—that, when dogs are imported, the transporters will often meet at Calais, divide the dogs among various vehicles and then travel up the M1 corridor and probably north of the border as well. Therefore, if there is an outbreak of disease, having a date stamp gives us an idea of risk.

I will use rabies as an example. Most cases of rabies will present between three and 12 weeks post-infection. Therefore, a dog that came into the country six months ago will be a much lower risk than a dog that came into the country six weeks ago. Having the date stamp and microchip number tells us that the individual has come through an approved route. It does not mean that everything is perfect, but it starts to give us a level of traceability, which is incredibly important.

At a more domestic level, and in relation to your comments about looking at matters from a devolved point of view and across all Administrations, in relation to the supply of dogs, the new Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 have come into effect. A person must be licensed only if they are producing three or more litters a year, so there is zero traceability for anybody who is producing fewer litters than that.

We do not want to be prohibitive, but, if you have a system that involves at least registration, you start to get traceability. If registration was with the local authority, there would need to be communications with it, such that there was a central depository for the registrations and licensing.

If I had a dog that was producing a litter, a registration number would mean that I would be traceable. That could be used to ensure that I was not in breach of the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021. It could also mean that, if I were to advertise the puppies for sale, I would have to put the registration number on the advert. A lot of illegally imported dogs are advertised online and you have no idea who is selling them or where the dogs have come from. I am not saying that registration is a panacea, but it starts to give us traceability.

Jenni Minto: I am interested to hear SAWC's views on the UK Animal Welfare (Kept Animals) Bill and the provisions on livestock exports, the movement of domestic animals and the modernisations of zoo licensing that apply to Scotland.

Professor Dwyer: There are several different aspects to that, so we will probably pass the baton around a bit.

Some of the issues around the export and import of animals, and around trade issues, were—[Inaudible.]—and we would concur with those—[Inaudible.]—around—[Inaudible.] We discussed animal movements when we talked about—[Inaudible.] The responses to those are still—[Inaudible.]

We would support moves to prevent or reduce the export of live animals, particularly—[Inaudible.]—and purpose is slaughter. As we have already talked about, there is overwhelming evidence that animal transport is cause for concern in terms of animal welfare. We might not know everything about all aspects of the journey, but it is clear that welfare is compromised through animal transport. Therefore, we would support moves to ban live exports.

I will pass on the issue of zoo licensing to Libby Anderson. Sorry, but I have forgotten the other part of the question.

Jenni Minto: It is about the movement of domestic animals.

Professor Dwyer: Thank you. Libby, will you pick up the zoo licensing point?

Libby Anderson: I will, but with difficulty. I am aware that it is a fairly small clause in the bill, so much will depend on the standards set by the Secretary of State for Environment, Food and Rural Affairs, which I understand are to be made mandatory. I watched our fellow commission member Simon Girling speak on the matter. Simon, who has been very involved in developing the standards, clearly feels that they are robust. Therefore, I am pretty sure that SAWC will be in favour of them.

It is necessary for zoos to demonstrate a conservation purpose, which is another valuable protection for the animals. As I heard yesterday at the committee that is scrutinising the bill, all zoos cannot be treated the same—there are small collections and large, international-standard zoos such as Edinburgh zoo. We would probably be better speaking to Simon Girling and then responding to you in writing on the matter.

Jenni Minto: That is a good suggestion. Thank you, Libby.

Ariane Burgess: I want to touch on the UK Animal Welfare (Sentience) Bill, which has provisions to create an animal sentience committee to advise the UK secretary of state. How might SAWC engage with the committee, should it come to be? What are your views on the provisions in place in Scotland to have regard to animal sentience, especially given that the Treaty on the Functioning of the European Union no longer applies. Article 13 of the treaty stipulates that, when

“formulating and implementing”

policy,

“full regard”

should be paid to the

“welfare requirements of animals”.

Professor Dwyer: That is a very important question. A key part of the setting up of SAWC is—*[Inaudible.]*—animal sentience. That is the keystone of our deliberations, our thinking and our approach. We would support an approach that makes it clear in legislation that particular groups of animals—we have already talked a little bit about which ones they might be—are considered to be sentient.

That takes animals into a different place. They are not considered as a tradable good or a commodity in the same way that something that is inanimate might be considered. We think that that is really important. We have talked about how sentience should be considered an important part of policy making not just for the policies that relate specifically to animals, but in other areas. We, at SAWC, feel that a key part of our remit is to keep that in mind, both in our work that directly relates to animals and when thinking about other impacts and aspects of the programme—*[Inaudible.]*—food nation and procurement so that, when we think about food, animal sentience is an important part of that consideration. Sometimes, that is not considered. There are other pieces of legislation—I think that Libby Anderson has already referred to this—in which people might have thought about regulation without necessarily thinking about animal welfare when sentient animals are involved.

Regarding the proposal to set up an animal sentience committee, which will potentially be part of the Animal Welfare Committee, we have a slightly different remit in SAWC in that we are independent in a way that the Animal Welfare—*[Inaudible.]* We engage with the Animal Welfare Committee on a regular basis, so we are aware of what it is working on. I would expect that engagement to extend to the animal sentience committee when it is set up.

We are setting up our own sub-group to deal specifically with animal sentience and some of the ethical issues that arise, so as to help with SAWC’s wider deliberations. Recognising animal sentience is a key part of what we do, and we would expect to engage on any developments relating to the animal sentience committee in the same way as we currently do with the Animal Welfare Committee.

James Yeates is leading our work on animal sentience. Do you have anything that you—*[Inaudible.]*

Dr Yeates: I heard Cathy Dwyer up to “Do you have anything that you,” so I will imagine the rest of that sentence and respond. Apologies if I have got that wrong.

Regarding the UK Animal Welfare (Sentience) Bill, we have been talking about recognising sentience as a first step. As we were discussing earlier, that recognition can lead to assessment, alongside other considerations in policy making. Those might often be aligned with environmental, health or other concerns—even productivity concerns.

11:15

It is my understanding that the UK animal sentience committee will have a role in ensuring that UK Government policy considers animal sentience. SAWC does not take quite such a strong view—we give advice and assist with policy making. Others, including Libby Anderson, might be able to explain that better. However, that means that the committee will play a slightly different role. The way in which we can help is by ensuring that that consideration is based on good science, that it is done objectively and robustly, and that it draws on all the relevant expertise and issues.

Another way in which we can help is through the sub-committee that we are setting up, which will work out how to prioritise the most important ways of considering sentience and how to bring that into policy making. Part of that will include looking at which species are sentient and how severe their suffering might be. It will also take into account wider issues such as the legislative agenda.

There are already links with AWC, particularly between the committee chairs. There is at least one person who is a member of both committees, although that is an informal link. I think that the officials also have some links. I assume that the set-up for the animal sentience committee will be similar, but it is hard to define what the relationship will be until we know what the committee looks like. However, it will be important to have a relationship so that duplication can be avoided and so that there can be alignment, where that is appropriate.

The Deputy Convener: I am conscious that we are running out of time, as often happens in evidence sessions, and that two members have not yet been able to ask questions.

We will move on to the theme of exit from the EU.

Rachael Hamilton: I will try to make my contribution nice and succinct. Our exit from the EU could bring challenges and opportunities. There is an opportunity for us to strengthen animal welfare, but where do the witnesses believe the deficiencies to be? Strengthening animal welfare might include welfare labelling, ending sow stalls and perhaps bringing in gene editing to increase biodiversity. Livestock transport has been mentioned. Where are the issues? What are the most important priorities? Professor Dwyer, you seem to be managing the panel well, so I will start with you.

Professor Dwyer: Thank you very much for the compliment. I am struggling a little bit with connectivity—I am doing my best in difficult circumstances. I am happy to make a start, but, if

time permits, it would be useful to have input from everyone.

That is not a matter that SAWC has specifically discussed; we do not have a SAWC view on the issue. However, we can probably offer a more personal view that reflects our areas of expertise and interest.

You mentioned a number of different issues, which I think are of significant concern. We have already talked about live transport and export. The issue of non-stun slaughter still rears its head in the EU and here. There are moves to strengthen the legislation to ensure end—[Inaudible.]

There is a strong drive in the EU to get rid of cages altogether, including farrowing stalls for sows. It would be good to see Scotland and the UK contributing to that move. There is mounting evidence against the practice, and there is consumer and citizen pressure for change. That is not without its problems, of course. Both from a welfare point of—[Inaudible.]—there is a growing body of evidence that suggests that people do not want such confinement systems.

Animal welfare labelling is an interesting issue. Before Brexit, I sat on the EU platform on animal welfare, where we also discussed animal welfare labelling. What we can meaningfully put on a label for consumers' understanding of animal welfare is not without its issues.

We put a lot of pressure on consumers to make the right choice. If we think about some of the trade agreements that we might make with countries that we know have poorer animal standards and how that might affect people's buying behaviour, we can see that such labelling could be useful when you are buying shell eggs or a piece of meat. However, it is much more difficult when you are buying a ready-prepared chicken sandwich or chicken from fast-food restaurants, because you might not think about the life that that chicken had, for example. Animal welfare labelling is, potentially, not as useful in those circumstances.

There are particular issues around new trade agreements with some countries. The USA is an obvious one, but there are also issues with Australia and New Zealand, because some of their welfare practices are poorer than those we have in the UK and Europe.

An area that is probably quite—[Inaudible.]—for management procedures in farmed animals and—[Inaudible.] Therefore, from the point of view of farmed animal welfare, there are a number of issues. There might be opportunities, but there are particular challenges—[Inaudible.]—and what sort of trade agreements that we might make with other countries for the welfare of farmed animals.

I am sure that Pete Goddard and Libby Anderson will have things to say about wildlife, so perhaps we could move to them and then go on to talk about companion animals.

Dr Goddard: I will reiterate the points that Cathy Dwyer has made. We certainly have aspirations to be a society that pays high regard to animal welfare but, sometimes, purchasing behaviour does not follow that lead. There is a big educational role to be played with regard to what the systems mean, and that applies to people of all ages. The labelling issue is critical, but most consumers zoom through the supermarket and just snatch things as they go. Taking time to look at a label that tells you about the carbon footprint, the calorific value of the food and animal welfare will be difficult. Supermarkets are struggling with that.

As Cathy says, there is a big problem with processed food that has many components. Even looking at the food miles for those components is difficult, and the animal welfare aspect there is important. Of course, if, as a nation, we are trying to be part of a global market, we cannot fall behind the standards of the lead players, but there is a cost implication for our being ahead of the game. Therefore, a lot of economics is involved, too.

As Cathy alluded, there are some good opportunities for leading the way on how we interact with wildlife. The growing awareness of the sentience debate and how that is falling into people's minds is important. That kick-starts the Scottish Government's work, which was set out in the programme for government, on publishing a strategic approach to wildlife management that puts animal welfare in the centre. I am not sure how that work is being taken forward, but it is exciting, and it could be a world-leading area for Scotland. It could deal with many of the concerns that we have covered today in that a great deal of the way in which we approach the management of wildlife is fragmented. There are numerous rules and regulations, and we have the objectives of different players. Consensus is needed to bring everyone together, and I am really looking forward to the strategic approach that is being worked on. As I said, that could be a great step for harmonisation and a world-leading aspect of the way in which Scotland manages its wildlife. It is a very exciting opportunity for us.

The Deputy Convener: Jim Fairlie has a brief supplementary question.

Jim Fairlie: On labelling, I want to make a point rather than ask a question. It takes six seconds for a consumer to see a product and decide to put it in their basket. At a meeting that I was at last night, there was talk of labelling for environmental, welfare, hygiene and nutritional standards. With the amount of labelling that we are looking at,

people are going to need five hours a day to do their shopping. It is a real issue and we need to find a solution to it.

With regard to the relationship with the EU, following his appearance before the committee on 29 September, Simon Turner has told the committee that there might

"be merit in the creation of a Scottish Animal Welfare Reference Centre",

given that, having come out of the EU, we have lost access to its notification system. Is there merit in establishing such a centre to support the commission's work by bringing together the literature and

"identifying research gaps and research needs"?

Dr Goddard: That is a really good question. I actually looked at the EU reference centre website quite recently; there is some information there, but I guess that it is work in progress for many species. There is quite a lot of information on pigs, for example, but not a lot on many other species. I saw no coverage of non-production animals, which is perhaps a shortcoming.

There would be a lot of merit in having a system that met Scottish need, although that would not be without resource implications. Following on from Simon Turner's comments, I think that the issue should be looked at seriously. In a way, it could go hand in hand with the idea of having a Scotland-centred veterinary service. There could be merit in combining a lot of those things to deliver something that is more tailored to Scotland's needs.

Dr Boyden: With regard to companion animals, we are starting to see some benefit from our exit from the EU. As you will be aware, the Animal Welfare (Kept Animals) Bill is going through Westminster. The current rules on commercial and non-commercial pet travel are basically EU legislation, and irrespective of which side of the fence you sit on, our exit from the EU has presented us with an opportunity to change the law. Indeed, the bill proposes to increase the minimum age of dogs entering the UK; to decrease for pregnant female dogs coming into the country the maximum number of days pregnant that they are allowed to be; to ban the importation of dogs with mutilations—in other words, dogs that are docked or that have had their ears cropped; and to decrease the number of animals coming in. Those are all positive steps, although the devil will be in the detail.

The other point that I would make is that any piece of legislation is only as good as its enforcement, and it is therefore really important that we harness these things to ensure not only that the legislation is robust but that our

colleagues who have to enforce the measures have the knowledge, skills and resources to do so.

Another piece of legislation that applies to companion animals—though, I have to say, not greatly so—is the Welfare of Animals (Transport) Order 2006. DEFRA consulted on the relevant piece of legislation—regulation (EC) no 1/2005—but, unfortunately, it was very much focused on food-producing animals. We have an opportunity to look at that and input into the bill from a companion animal perspective.

Rachael Hamilton: With regard to the veterinary, phytosanitary and other checks, including those relating to the management of biosecurity, that Scotland can carry out, what should we be doing to provide protections for not just animal welfare but biosecurity on imported goods coming into Scotland? What can Scotland do to ensure that any such system is of the highest standard and that we have the highest-quality capacity and capability in that respect?

Dr Goddard: It is probably a resource issue as much as anything else. It also relates to the points on the border where goods enter. It depends on whether you take a Scottish, UK or Great Britain-wide view about where the point of entry is and whether there are checks elsewhere along the way. However, I am not an expert in the matter, so we will need to come back to you about it.

11:30

The Deputy Convener: Could you provide a written response to the question, perhaps?

Dr Goddard: Yes, we could do that.

The Deputy Convener: That would be helpful.

I will bring in Karen Adam, who joins us remotely.

Karen Adam (Banffshire and Buchan Coast) (SNP): I have two questions, but I will take your lead on whether there is time for the second, convener.

I will ask about the complex connection between animal abuse and domestic violence, particularly as we have seen recently in the context of the pandemic. Numerous studies have confirmed that, in households that have companion animals and are experiencing domestic violence and abuse, there is also a high probability of animal abuse. Some reports detail that individuals and families often delay fleeing violent situations due to concerns about the safety of their companion animals.

What more can be done on that, as children in particular often rely on their pets to provide stability, security and companionship? Veterinarians and animal welfare agencies might

be in a position to identify such situations, as holistic approaches to abuse have a greater impact.

Dr Boyden: That is an incredibly pertinent question, because we know that, during lockdown, domestic homicides increased significantly. I declare an interest, because I am chair of the Links Group, which is a multi-agency group that raises awareness of the links between violence to people and violence to animals.

There are two elements to the answer to your question. The first is to continue to encourage interagency working. Alongside other members of the Links Group, my organisation provides temporary fostering for pets that belong to people who are fleeing domestic abuse. That is really important for two reasons. One is that, as you rightly say, we know that individuals will delay fleeing violent situations because they do not want to leave their pets behind in the hands of the perpetrator.

The other reason concerns the children. They might not know everything that is going on, but it is significant to give them the lifeline that, once they are out of that situation and in a better place, they will be reunited with their pets. Many pet fostering services give regular updates to the clients and their children about how their pet is getting on. I cannot tell you how important and valuable that is to individuals who are in that situation.

The other side, if I can put my vet's hat on for the moment, is that we need to continue to raise awareness within the profession about identifying so-called non-accidental or deliberate injuries. It is all based on the work that Helen Munro undertook about 20 years ago. She published research that gives us good diagnostic indicators for abuse of animals, and it will come as no surprise to you that those indicators are exactly the same if you are dealing with the abuse of a child.

We are working incredibly hard to raise awareness within the veterinary profession of non-accidental injury and how to identify it. We now speak annually at most of the UK vet schools, including those in Edinburgh and Glasgow, to raise awareness among the students.

Another big thing on that is that we now have specific guidance in the code of professional conduct from the Royal College of Veterinary Surgeons—our governing body—that says that, if a vet has an animal with injuries that they cannot explain, they should consider non-accidental injury. More importantly in this world of GDPR—the general data protection regulation—the guidance says that, if animal welfare or the public interest is compromised, we can breach client confidentiality, so vets cannot hide behind client confidentiality if they have concerns.

As I am sure you can appreciate, such cases are incredibly challenging to deal with. It is not that A plus B equals C when it comes to injuries. Going through that process of reporting a non-accidental injury to the SSPCA in order to be able to signpost a client to the resources where they can get help is incredibly challenging.

We need to continue to raise awareness. Links sits on a group that has been convened by the SSPCA to push that issue forward—to raise awareness of and education in the topic among the vet schools. It is incredibly important that we continue to do that and that those resources are also provided on the ground.

My experience with the Links Group leads me to say that sometimes we have challenges with our human health professional colleagues. If they do not understand the importance of the human-animal bond between an owner and their pet, they may not understand why somebody will delay fleeing a violent situation. It is therefore important that we continue to work with colleagues in other agencies so that we have a multi-agency approach to such cases.

Karen Adam: It is extremely important to have that multi-agency approach, and I am glad to hear that there is on-going work on that.

Let us go back to the theme of the pandemic. There has been an increase in pet ownership and, as a consequence, an increase in people diversifying into self-employed animal-based work such as grooming, training and pet sitting and walking. Just to quickly give an anecdotal example, I took my dog to a groomer—whom I will not name—and she was connected to a high table by a lead. The groomer stepped away from the table, my dog jumped off and, luckily, I was there just in time to scoop her up; otherwise, the consequences could have been horrific. The lead had no safety break and, surely, the policy should have been not to leave the dog unattended.

As well as that example, I have heard of issues that highlight bad training practices. Could regulations be introduced for the businesses that are popping up, and could support be provided for those with genuine experience who have worked incredibly hard to ensure their high standards and who might be undermined and undercut in price? Are the regulations tight enough, and how can the public be aware of the certification, for example, that they should be looking for when using such businesses?

Dr Boyden: That question is incredibly pertinent. You have touched on a number of issues. First, there is no regulation at all of the world of training and behaviour. The commission is currently looking at that, and particularly at the use of aversive training devices such as electronic

shock collars and check chains. That needs review and, potentially, regulation on the behaviour side of things. Again with my vet's hat on, I say that there are very few veterinary behaviourists across the country. That needs to be separated from the training side. Over the years, there has been a huge move towards training by reward and reinforcement rather than by punishment. That issue needs looking at.

As for the other areas that you have mentioned, things such as dog walking and dog grooming have grown enormously. If I may just drop south of the border for a moment, with my Canine and Feline Sector Group hat on, we have produced guidelines for dog walkers, but those are very much guidelines. Given the size of the industry now—and, similarly, with grooming—that needs to be looked at. As you rightly say, we need to ensure that good advice is available for pet owners when it comes to what they should be looking for in finding a good groomer or dog walker, and that the regulation and expertise are recognised.

Professor Dwyer: I reiterate everything that Paula Boyden has said. Our longer-term plan is to—*[Inaudible.]*—agree that those are important. I would also expand that beyond dogs. We have talked about it in terms of managing equine establishments and people who offer services that are similarly unregulated. Perhaps—*[Inaudible.]*—that things have with the pandemic but, nonetheless, they are on our radar, if you like, for consideration in the medium to longer term.

The Deputy Convener: That brings us to the end of the evidence session. I thank the witnesses for their evidence.

11:40

Meeting suspended.

11:45

On resuming—

European Union (Withdrawal) Act 2018

Official Controls (Transitional Staging Period) (Miscellaneous Amendments) (Scotland) (No 2) Regulations 2021 (SSI 2021/342)

The Deputy Convener: Agenda item 2 concerns provisions under the European Union (Withdrawal) Act 2018. I refer members to paper 2. The regulations before us are made using powers under the 2018 act. Under the protocol between the Scottish Parliament and the Scottish Government, the committee is required to consider whether the procedure attached to this Scottish statutory instrument is appropriate or should be changed. The regulations are subject to the negative procedure, and Scottish ministers have categorised the instrument as being of low significance, as the amendments contained in it are solely to make relatively minor amendments to the transitional arrangements in place. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on 26 October and agreed that the negative procedure was appropriate.

Is the committee content that the negative procedure is appropriate for the instrument?

Members indicated agreement.

Subordinate Legislation

Official Controls (Transitional Staging Period) (Miscellaneous Amendments) (Scotland) (No 2) Regulations 2021 (SSI 2021/342)

11:46

The Deputy Convener: We move on to agenda item 3. I refer members to papers 2 and 3. As the committee has agreed that the negative procedure is appropriate, we will now consider the policy intent of the regulations. Members will recall that, following our meeting on 6 October, the committee wrote to the Scottish Government regarding previous subordinate legislation relating to import checks. A response was received yesterday and has been circulated to members, and it has been published on our web pages. The convener has indicated that the committee will consider the letter further at next week's meeting.

Does any member wish to raise any issues regarding the instrument? If not, are members content to note the instrument?

Members indicated agreement.

Fish Farming Code of Practice (Scotland) Order 2021 (SSI 2021/340)

The Deputy Convener: I now refer members to paper 4. The order that the committee is invited to consider is also subject to the negative procedure.

Does any member wish to raise any issues regarding the instrument?

Ariane Burgess: I wish to note that the consultation analysis shows that

"Most individuals, environmental organisations and fisheries or other board/trust respondents supported the Code but would like fish farms to be regulated further and are concerned about enforcement of implementation of the Code."

Concerns about regulation included several requests

"that the Code should do more to manage and control"

or phase out

"the use of ADDs"—

acoustic deterrent devices—and replace them with benign methods of predator control.

Referring to aquaculture production businesses, concerns about enforcement included

"Concerns around non-compliance and inconsistency of self-reporting by APBs; Concerns about inadequate penalties for non-compliance"

and challenges regarding the

“practicalities of implementing the Code”,
including
“timescales and content of reporting”
and
“gaps or contradictory guidance”.

As the consultation analysis report goes on to say, several respondents indicated their view that
“more of the Code should be in the form of ... mandatory requirements, rather than guidance.”

We need to ensure that fish farms operate sustainably in order for them to continue providing jobs and benefits for coastal communities in the long term.

I am content to note the instrument, but I urge the Government to review the code on a regular basis and to update it as necessary to ensure the use of best available practice, underpinned by scientific findings and new developments.

The Deputy Convener: Thank you. That is noted. Are members content to note the instrument?

Members *indicated agreement.*

European Union (Withdrawal) Act 2018

Waste and Agriculture (Legislative Functions) Regulations 2021

11:49

The Deputy Convener: We come to agenda item 4, on the European Union (Withdrawal) Act 2018. I refer members to papers 5 and 6. The committee will consider a proposal by the Scottish Government to consent to the UK Government legislating using the powers under the act in relation to the Waste and Agriculture (Legislative Functions) Regulations 2021, which is a UK statutory instrument. As this SI notification cuts across a number of policy areas and addresses legislative deficiencies across three ministerial portfolios, this committee will focus only on the agricultural legislative functions of the provisions. The other functions are being considered by the Net Zero, Energy and Transport Committee and the Local Government, Housing and Planning Committee.

Under the protocol between the Scottish Parliament and Scottish Government, the consent notification has been categorised as type 1, meaning that the Scottish Parliament’s agreement is sought before the Scottish Government gives consent to the UK Government making secondary legislation in areas of devolved competence.

As no member has indicated that they wish to raise an issue with the consent notification, is the committee content that the agricultural provision set out in the notification should be included in a UK SI?

Members *indicated agreement.*

The Deputy Convener: Is the committee content to delegate authority to me to sign off a letter to the Scottish Government, informing it of our decision today, and to confirm that no Scottish statutory instruments were made under the defective power that the SI seeks to correct?

Members *indicated agreement.*

Meeting closed at 11:51.

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Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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