



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Rural Affairs, Islands and Natural Environment Committee

Wednesday 20 April 2022

Session 6



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**Wednesday 20 April 2022**

**CONTENTS**

	<b>Col.</b>
<b>DECISION ON TAKING BUSINESS IN PRIVATE</b> .....	1
<b>END GREYHOUND RACING IN SCOTLAND (PE1758)</b> .....	2
<b>SUBORDINATE LEGISLATION</b> .....	24
Agriculture and Horticulture Development Board (Amendment) Order 2022 [Draft] .....	24
<b>EUROPEAN UNION (WITHDRAWAL) ACT 2018</b> .....	30
Common Agricultural Policy (Cross-Compliance Exemptions and Transitional Regulation) (Amendment) (EU Exit) Regulations 2022 .....	30
Phytosanitary Conditions (Amendment) (No 2) Regulations 2022.....	30

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**RURAL AFFAIRS, ISLANDS AND NATURAL ENVIRONMENT COMMITTEE**  
**12<sup>th</sup> Meeting 2022, 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)

\*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 ATTENDED:**

Jacqueline Brown (Scotland Against Greyhound Exploitation)

Gill Docherty (Scotland Against Greyhound Exploitation)

Màiri McAllan (Minister for Environment and Land Reform)

Caspian Richards (Scottish Government)

Mark Ruskell (Mid Scotland and Fife) (Green)

**CLERK TO THE COMMITTEE**

Emma Johnston

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



## Scottish Parliament

### Rural Affairs, Islands and Natural Environment Committee

*Wednesday 20 April 2022*

*[The Convener opened the meeting at 10:00]*

#### Decision on Taking Business in Private

**The Convener (Finlay Carson):** Good morning, and welcome to the 12th meeting in 2022 of the Rural Affairs, Islands and Natural Environment Committee. I remind members who are using electronic devices to switch them to silent.

Our first item of business is a decision on whether to take item 6 in private. Do members agree to do so?

**Members indicated agreement.**

## End Greyhound Racing in Scotland (PE1758)

10:01

**The Convener:** Our second item of business is an evidence session on petition PE1758, on ending greyhound racing in Scotland. The petition, which was lodged by Gill Docherty on behalf of Scotland Against Greyhound Exploitation, was referred to the committee following previous consideration in session 5 by the Public Petitions Committee and the Environment, Climate Change and Land Reform Committee. It calls on the Scottish Parliament to urge the Scottish Government to put an end to greyhound racing in Scotland.

I welcome to the meeting the petitioner, Gill Docherty, and Jacqueline Brown, both of whom are from Scotland Against Greyhound Exploitation. As this is the committee's first consideration of the petition, I invite the petitioner to make an introductory statement.

**Gill Docherty (Scotland Against Greyhound Exploitation):** I am the chairperson of the Scotland Against Greyhound Exploitation registered charity, which the convener has just mentioned. My colleague and fellow trustee and founding member, Jacqueline Brown, will speak as well, if that is okay.

The convener has kindly already given a bit of a rundown of the petition that we are here to speak about, which is PE1758, on ending greyhound racing in Scotland. The petition was lodged in October 2019 and gathered 13,159 signatures. That made it the fifth most-signed Scottish parliamentary petition in history, which speaks to the level of support for this important proposal.

As the convener mentioned, the petition passed through the ECCLR Committee. Unfortunately, we then suffered some delays due to the Covid pandemic.

The petition's last hearing was in February 2021, at the ECCLR Committee. That committee pledged to put its concerns about greyhound racing in writing to the Scottish Animal Welfare Commission. At the moment, the issue is not included in the SAWC's work plan. I think that the intention of the letter was to invite the SAWC to consider bringing it into the work plan. We were very disappointed to learn in the past few weeks that the letter was never sent. We are a year on, and there has been no action so far, which is disappointing for us. Therefore, we welcome the opportunity to give evidence today and bring the issue back to the fore.

It is important that we take this opportunity to update the committee on the current landscape of greyhound racing in Scotland. There have been a great number of submissions on the petition, but members may not have had the opportunity to read them.

When we lodged our petition, in 2019, there were two tracks in Scotland. One was a licensed track in Shawfield in Glasgow, which was regulated by the Greyhound Board of Great Britain, and one was an unregulated track in Thornton, in Fife. Although the latter has a premises licence from Fife Council, it does not operate under any specific welfare regulations and it does not have a governing body.

When the pandemic triggered a lockdown in March 2020, both tracks closed and, despite the restrictions permitting greyhound racing to resume just a few months later, the Shawfield track has never reopened. Therefore, we are now left with one operating track in Scotland, which is the so-called “flapper track” in Thornton, in Fife. As I mentioned, that track is completely unregulated. That leaves the dogs that race in Thornton among the most vulnerable in the United Kingdom at the moment.

The lack of regulation means that no vet is present at any of the races, which means that there is no administration of first aid or pain relief to dogs that are injured. There is no vet present to euthanise a dog, should it suffer a catastrophic injury such as a broken spine or a broken neck. There is no qualified person to assess whether dogs are in a fit condition to race on the day.

No drug testing takes place at Thornton, which is greatly concerning for us, because we know that, when Shawfield was open—it is now closed—drug testing did occur, albeit in fewer than 2 per cent of races. From those drug tests, there were 13 positive cases in dogs in the period from 2018 to 2019 alone. Shockingly, five of those were for cocaine. If that is the evidence from a track that tested in only 2 per cent of races, we feel that the rate of doping will be much higher at Thornton, and it is going completely unchecked.

There are no kennel inspections at Thornton to assess the conditions in which dogs are kept. We are both involved in greyhound rescue, and we have reports from independent charities that greyhounds are often kept in garden sheds. There are no regulations relating to how they should be transported to and held at tracks. Part of the work that we do is protesting track side and raising awareness. We have seen at first hand dogs arriving in hot cars on summer days and being held in those hot cars until they race.

Fundamentally, we cannot ignore the inherent risks of greyhound racing itself. Those risks are

present whether the track is regulated or unregulated, and they cannot be mitigated with welfare measures or cleverly named initiatives. It is a fact that making six dogs race at speeds in excess of 40mph counter-clockwise around an oval track results in a high rate of collisions and injuries, with the first bend being notorious for causing the most casualties. The track configuration puts a strain on the left foreleg and the right hind leg of the animal, which results in weakness of the limbs and leads to fractures. Greyhounds are also seen to suffer much more catastrophic injuries through collision with the boards on the outside of the track, collision with the rails on the inside and on the bends, and collisions with one another.

The GBGB has been forced to publish injury and death statistics for its UK tracks since 2017, and they make for really grim reading. In the period from 2017 to 2020, some 18,345 dogs were injured on UK tracks and more than 3,000 lost their lives. Earlier this year, the cross-party group on animal welfare wrote to the GBGB to ask for Scotland-specific figures. The Shawfield track in Glasgow closed in March 2020, so there are just three months of data for that year, but we learned for the first time that, in the period of three years and three months, some 197 dogs were injured at Shawfield and 15 dogs lost their lives. That is despite Shawfield operating only one race night per week for the majority of that period. Other GBGB race tracks race seven days a week.

We also know that 200 dogs died on GBGB tracks in 2020, despite the industry being closed for some time during the first lockdown. The percentage rate of track deaths is the same now as it was four years ago, despite some of the initiatives that the GBGB has put in place. That demonstrates that the risk can be eliminated only by banning the industry—no amount of welfare regulation will change the danger of the track itself.

We argue that, on the basis of that evidence, injuries and deaths are likely to be occurring at a similar—if not higher—rate at Thornton, but there is no requirement for the track to record or publish that information, so we are working blind and we will never know.

**Jacqueline Brown (Scotland Against Greyhound Exploitation):** It is not only physical harm that greyhounds suffer. We focused on the figures from the GBGB. Physical injuries are clear to see, but psychological damage is commonplace with those dogs, too. Typically, racing greyhounds are born in kennels and they are kept there for years—sometimes for their entire lives. They are only ever brought out for brief exercise and to travel to and from the track.

Racing dogs are deprived of natural behaviours, such as the exploration of the natural environment and socialisation with other dogs, and the experience of a loving home. With no opportunity as young dogs to interact as pack animals, greyhounds often reach rescue centres with deep psychological issues, presenting as fearful and shut down or, worse, highly reactive to any new stimuli, which can make them difficult to rehome.

If anyone has met a rescued greyhound—there are many outside today that you might have had the pleasure of meeting—you will know how regal they are. Once upon a time, before racing was invented in the 1920s, they could be owned only by royalty. It is a sad state of affairs that we have come to this point today.

Greyhounds make fantastic family pets. They are gentle, fun and sweet natured. They are generally quiet dogs—they do not bark a lot. They look big, but they curl up small. They are very addictive.

I have volunteered with a greyhound rescue charity for some years, since way before SAGE came about. In that time, I have seen hundreds of greyhounds come and go, so I speak from personal experience. The worst cases that I have seen are not those that have involved broken legs, amputated limbs or extreme gum disease that requires a dog to have all its teeth removed; they have involved dogs that have nothing behind their eyes. They are shut down and lost—they are just not present. They have such deep psychological trauma that it takes years to bring them back to being a dog, and some do not have that long. I have seen dogs up to the age of nine or 10 that have seldom seen the light of day come out of racing kennels. They do not have time to learn how to be a pet in a family home. We try with them, but seeing them try to figure out how to live in a house is as heartbreaking as it is heartwarming.

At the ECCLR Committee on 10 December 2019, Mike Flynn from the Scottish SPCA acknowledged that kennels “are no place” for dogs to be raised. He was speaking in the context of animal welfare and describing the state-of-the-art kennels and sensory gardens that the SSPCA had built in order to give the dogs the best experience possible while long legal cases were being fought. Greyhounds do not have the luxury of such comfortable dwellings. A garden shed with no lighting or heat does not quite compare and, as Gill Docherty mentioned, those are not the worst conditions that we are aware of.

So why a ban, and why now? Why do we think that only a ban will be sufficient? We are aware that a similar petition was discussed at Westminster on 28 March this year. The issues raised there are the same as the issues that are

being raised here, but Scotland’s situation is vastly different from that south of the border. Given the devolved power, we have the opportunity to lead the way on animal welfare reform, and we believe that now is the time for us to do that.

As Gill Docherty mentioned, the Thornton track is the only one that is currently operating in Scotland, and it has absolutely no welfare regulations in place. The dogs there are at severe risk of having a very poor quality of life and experiencing pain, suffering, injury, abandonment and death. There are no eyes on them at all.

But it is about more than that. As we have heard, the GBGB admits that tens of thousands of greyhounds have been injured or killed on the tracks throughout the years, despite the regulations that are currently in place. There have been numerous cases of greyhounds being drugged at GBGB tracks—again, we know that from the GBGB’s own admission—despite the regulations. We know that racing greyhounds often suffer neglect and abuse. The GBGB has published those cases—again, that is by its own admission and despite the regulations that are currently in place. We know that all of that went on at Shawfield—the GBGB has admitted that—and yet there were no criminal proceedings. There has been no action in any of the doping or abuse cases.

That leads us to conclude that regulation does not work, and we believe that a ban enshrined in law is the only way to protect those dogs. The timing is right. As there is only one track left, we believe that the economic impact of bringing in a ban would be minimal. There will not be many jobs lost—we have heard that argument for keeping racing open before, but it is no longer an argument.

There are currently fewer dogs racing in Scotland, so rehoming them will be easier at this point in time. As the committee will be aware, the rescue centres are all currently full of lockdown puppies, which is a really difficult situation. If we were to act now, we would be able to rehome the dogs racing in Scotland with no bother.

In the time that it would take to make changes to the existing Animal Health and Welfare (Scotland) Act 2006 or to introduce a new bill, more and more greyhounds would be injured or killed—we know that for a fact. To expedite the process, given the delays that have already been incurred since the petition was first submitted in 2019, we are calling for a full Government debate and a vote in the chamber. We respectfully urge parties to join with the Scottish Greens and compel their members to vote in favour of a ban.

The guidance on the 2006 act states:

“Unnecessary suffering can be caused in one of two ways; either by taking action which causes unnecessary suffering, or by failing to take steps to prevent unnecessary suffering.”

We, at SAGE, believe that any suffering that is caused to greyhounds through racing is unnecessary.

**The Convener:** Thank you very much for that detailed presentation.

We are pleased to welcome to the meeting Mark Ruskell, who was previously a member of the ECCLR Committee. He is here to support the petition. I ask him to say a few words.

**Mark Ruskell (Mid Scotland and Fife) (Green):** Thank you very much, convener. You will be well aware of the discussions on the petition in the predecessor committee.

I want to give this committee a bit of context. Parliament passed the Animal Health and Welfare (Scotland) Bill back in 2006. The Animal Health and Welfare (Scotland) Act 2006 places a duty of care on all those people who keep animals or are pet owners to protect those animals

“from suffering, injury and disease.”

10:15

In session 2, I was on the Environment and Rural Development Committee, which scrutinised the bill that became the 2006 act as it went through Parliament. The issue of racing greyhounds was discussed, albeit very briefly, and the consensus in the committee at the time was that the provisions in the bill that we were examining should be enough to drive welfare improvements across society in relation to greyhounds as well. That was the belief back then, but, looking at where we are now, a decade and a half later, the evidence shows that we are not seeing an improvement with regard to racing greyhounds. It is clear that, instead of their being protected from suffering and injury, they are increasingly being subjected to suffering and injury. The figures that the petition highlights, which show the increased numbers of deaths and injuries, demonstrate that.

That has been happening at a time when there has been increased scrutiny of the industry. To be fair to the industry, it has attempted to reform. It has put in place what it calls a greyhound commitment, as an attempt to increase welfare standards. However, all of that seems to have completely failed. The figures—the injuries and the suffering—are going in the wrong direction.

I support the petition because I genuinely think that the industry is beyond reform. That goes back to the inherent risks in greyhound racing that the petitioners have outlined. We are talking about

dogs going round a track at 40mph—there are inherent risks from collisions between dogs, and between the dogs and the track infrastructure. That raises not only serious welfare questions about how we treat and deal with the injuries that arise from greyhounds racing, but major ethical considerations about why we are putting dogs in that situation in the first place, knowing full well that they will have an increased risk of injury and death.

There is a major ethical consideration as well as a welfare consideration. On that basis, the issue reminds me of our consideration in the previous session of Parliament of the bill that became the Wild Animals in Circuses Act 2019. There are parallels. We are in a situation in which there is next to no greyhound industry in Scotland, as was the case with the circus industry that was using wild animals in travelling circuses, and it appears that a ban would result in virtually no economic impact in Scotland.

We are also seeing widespread and gathering support for a ban on greyhound racing. It is significant that, last week, the SSPCA came out in favour of a ban. That is very welcome. I am aware that the SSPCA has been very patient with the industry for a long period of time and has worked closely with it, so the fact that the organisation has come to the conclusion that a ban should be put in place is significant.

With regard to next steps that the committee might consider, writing to the Scottish Animal Welfare Commission is, regrettably, overdue, so that should be done. However, I am aware that the commission currently has a very busy work programme.

The time for scrutiny is now. There is scrutiny of the issue in the Welsh Senedd and at Westminster. I think that it is time for this Parliament to take the lead as well, so this morning’s session is very welcome. If more evidence—oral evidence in particular—is taken, that might provide a better evidence base on which to write to the Scottish Government and get a clear position. The Government is currently referring back to the 2006 act, which, as we have heard today, is not working for greyhounds and is not driving the welfare improvements that are needed.

**The Convener:** We move to questions from members. I will kick off. My first question is for Mark Ruskell, but I would like Gill Docherty to come in on the back of it.

You wrote to the Cabinet Secretary for Rural Affairs and Islands, Mairi Gougeon, back in March this year, and she suggested that the provisions in the Animal Health and Welfare (Scotland) Act 2006 are adequate. Are the laws that are in place



not being enforced, or does the appropriate body not have the capacity to intervene and act? Where is it going wrong? Do you have any idea? Why does the Government think that the 2006 act is fit for purpose, when you and Scotland Against Greyhound Exploitation are suggesting that it is not?

**Mark Ruskell:** I think that it would be a service for the Government to get evidence for a parliamentary committee that is doing a deep dive into the issues and unpacking them, and that that would inform the Government's view. I come back to the point that there are inherent risks in dogs running around a track at 40mph, such as a high risk of collision. In that situation it is very difficult—if not impossible—to protect animals from “suffering” and “injury” as the Animal Health and Welfare (Scotland) Act 2006 requires. The petitioners might have thoughts on how some of the enforcement issues have been very difficult for the SSPCA and others to follow up on in relation to the strict legal provisions in the 2006 act and the issues around doping and clear-cut abuses of animal welfare.

**The Convener:** Gill, do you think that there is reluctance to ensure that the law is followed? Are there difficulties in doing so, or is there a lack of capacity? Why is the legislation not working?

**Gill Docherty:** I would say that the industry purposely obstructs in order to prevent that from being achieved. I would like to talk about what happens at Thornton, but unfortunately we are completely blind because there is no regulatory body, which means I cannot tell you why Thornton is failing. We have no idea how many dogs are doped, injured or killed. We also cannot trace the dogs that race there. Dogs that race on registered tracks are registered through their ear tattoos. The GBGB is quite obstructive in how it presents its information, but we could—theoretically—find a dog from its ear marks and know where it is now and whether it had been injured or killed; that is not possible at Thornton. All that I can speak to is what we know from GBGB tracks—albeit that we no longer have one.

The GBGB is trusted to manage its own affairs in-house, and the Government's belief seems to be that the GBGB is doing an adequate job. Let us look at dogs that are found to have been drugged with cocaine. That is done in order to try to influence the outcome of the race and to make more money, which is—basically—what the industry comes down to; it is about money and a bit of entertainment for some people on a Saturday night. If a dog tests positive for cocaine today, we would not learn about that until three, four or maybe five months later when it is published at the back of an online journal that is buried deep on the GBGB website.

We scour those journals every week when they come out. We might learn that a certain trainer drugged a dog five months ago but has not been reported to the SSPCA or Police Scotland. Whenever we see those incidents in the journals we report them to the police and the SSPCA, which are not aware of the issues until we do that. At that point, it is five months on, so the dog is no longer where it was, and the trainer may have moved to a different track. That means that there is no evidence to collect.

The GBGB does not work with authorities to ensure that prosecutions are made. My colleague explained that there have been no prosecutions because it does not work with the SSPCA or the police. Even when it publishes its injury and death statistics, it does not break them down by track, so we cannot ascertain which are the dangerous tracks. There is a purposeful effort to obstruct our ability to scrutinise the industry from the outside.

It is worth mentioning that all the information that we have is from the GBGB; there is no independent body that looks at the number of deaths, injuries or incidences of doping. We are working on trust, but I have no trust because of how the GBGB does things to ensure that there is no scrutiny. I think that the SSPCA has changed its long-held stance of decades and now says that racing should be banned because it cannot get in and investigate or make prosecutions. It is no use to learn that a dog was drugged with cocaine and had a heart attack five months ago, because that is not contemporaneous information and there is no evidence to collect. I think that that is why the SSPCA has said that enough is enough.

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** You mentioned some of the limitations of the GBGB regulations, but the one track that we have is unregulated. I am interested to know what you have done as an organisation to find out why Fife is licensing an unregulated track. I appreciate that there might be a legal side that I know nothing about in terms of the powers that Fife Council does and does not have. I am curious to know what contact you have had with Fife Council about the issues.

**Jacqueline Brown:** We submitted a freedom of information request earlier this year, asking specifically about the conditions that the dogs were kept in and various other questions. We refer to that in our recent submission. There is no requirement for tracks to be licensed. We do not understand how Thornton can operate under the current legislation and be said to be complying with it. That does not make sense to us.

Basically, Thornton has a premises licence that I believe enables it to sell alcohol. It has not had a health and safety inspection in more than a decade—nobody has eyes on it. Thornton stadium

is open to the public. It serves food and drinks, and the stadium is being publicised in order to try to draw more people in, but there is no requirement for any checks to be done under the current legislation and regulations, and that is a real concern. I cannot answer as to how that has come about.

**Jim Fairlie (Perthshire South and Kinross-shire) (SNP):** I think that Jacqueline Brown answered this earlier, but I have a technical question to ask. You said that there is no vet in attendance at Thornton and you went through a list of things that would be checked at a regulated track. Does a complete vet check always happen before animals race at a regulated track?

**Gill Docherty:** We know that, legally, a vet must be present at a GBGB track, but I do not know whether they check the animals in a hands-on way. What tends to happen is that only pro-racing vets are attracted, because a veterinarian who feels that greyhound racing is cruel would not work at a track. As someone who has a vested interest in the industry, a vet has to be present, and we assume that any vet with a conscience would check to make sure that dogs are fit and so on.

The reason why we hark back to vets being present at registered tracks is to demonstrate that we are trying to guard against the Government wanting to put in similar legislation for flapper tracks, because we are demonstrating that even with that—

**Jim Fairlie:** What is a flapper track?

**Gill Docherty:** I apologise. “Flapper tracks” is the term for unregulated tracks. There is one in Scotland, one in England and one in Wales. As Jacqueline said, it is a curiosity to us that that has happened. Historically, there have been tens of flapper tracks at which people did not have to be professional greyhound trainers but could just put their greyhound in the back of their car, tip up and race. Thornton is a flapper track, where no regulation or scrutiny is in place.

**Jim Fairlie:** I think that you have answered this question already. Are you saying that, if somebody turns up with a dog that is, for one reason or another, unfit to race or is found to be doped or some other thing that you highlighted earlier, there is no consequence to the person and that it is not the case that they are not allowed to race again? Is there no legislation in place that would stop such people from racing dogs as a result of such a misdemeanour?

**Gill Docherty:** For a flapper track, there is absolutely no such legislation.

**Jim Fairlie:** What about at regulated tracks?

**Gill Docherty:** Bear in mind the fact that we do not have a regulated track here any more—but I

will answer the question. On a registered track, we leave it to the GBGB to self-regulate, so it would be for it to decide; it would have a hearing and decide the fate of that trainer. In a small number of cases, the trainer would be suspended, fined or banned, but we find that that is quite rare.

I will give an example to show what tends to happen in those hearings. In one hearing that was written up four months later, the trainer said that the greyhound must have licked cocaine off the back of the van, as he had carried a friend in the van who might have had cocaine on his person. The GBGB had the choice whether to accept that evidence. If the GBGB had wanted to demonstrate that it was upholding the 2006 act, it would immediately, on getting that positive test for cocaine, have phoned the SSPCA and Police Scotland and made it a criminal matter, because it is. That would give the SSPCA and the police the power to come in and investigate the matter properly. We are leaving it to the industry to self-regulate, but that is not working if such things are happening.

10:30

**Jim Fairlie:** I will make one very brief observation. Surely, a vet who is not comfortable with racing would be a far better vet to be at a greyhound track than a vet who is pro-racing, because they would be looking for such problems.

I will say one final thing. Jacqueline—you are surely not saying that only royals should keep greyhounds. [*Laughter.*]

**Jacqueline Brown:** Not these days, no, but what I said is a good indication of how greyhounds were viewed in the past. It is quite sad that we have got to this point.

**Mercedes Villalba (North East Scotland) (Lab):** Thank you very much for coming to speak to us today.

Gill Docherty explained that the Thornton track is unregulated but is licensed by Fife Council. I have a follow-up to Alasdair Allan’s question. I assume that, if Fife Council revoked that licence, the track would have to close. Has your organisation written to Fife Council to request that it revoke the licence or that it attach a condition to the licence requiring the track to be regulated? If you have done that, have you had a response?

**Jacqueline Brown:** I can answer that, on the back of the FOI request. Basically, Fife Council came back to tell us that the safety of the dogs at Thornton is the SSPCA’s responsibility. The SSPCA, as far as we are aware, has not been anywhere near Thornton.

It feels as though there is a bit of game playing, to be honest, because when we ask Fife Council it

says, "It's nothing to do with us," but the SSPCA is not involved and the GBGB is nowhere. That is why we keep saying that nobody has eyes on the dogs at the moment. Everyone is shirking responsibility and saying that it is someone else's responsibility.

I will repeat Gill Docherty's point: ultimately, self-regulation does not work; it cannot work. It is in the industry's interests to present the best information possible. Given some of the practices that we know go on in the industry, we struggle to trust the figures that it gives us and we suspect that the numbers of injuries and deaths are actually far higher.

If you look at media coverage over the past decade, you will find countless stories that have been published about mass graves of greyhound bodies and greyhounds having their ears cut off and being discarded so that they cannot be identified. Such things are rife throughout the country and it is shocking that Fife Council has no place to act in that. Neither, it seems, does the SSPCA.

**Mercedes Villalba:** I am not sure whether Mark Ruskell wants to come back in. I do not know whether I am allowed to ask you questions, actually. Sorry.

**Mark Ruskell:** Everybody else is.

I think that the FOI responses that have come back show the limits of what can be done through premises licensing and alcohol licensing. Those licensing frameworks are set by legislation that is very specific to the issues that it deals with.

There are challenges for Fife Council in trying to regulate a greyhound racing track, even if it wanted to. Considering all the concerns and issues that have been raised here today, another form of licensing would just be a contortion that would make it very difficult for Fife Council to do that. That gap is the issue that the petitioners are raising. We just do not have the right tools, through the 2006 act and premises licensing, to ensure the safety of animals.

**Mercedes Villalba:** Thanks. That is helpful.

**Ariane Burgess (Highlands and Islands) (Green):** Mark, you said in your statement that there is virtually no greyhound racing industry in Scotland. I read in the background papers that greyhounds are initially raised in Ireland. I am beginning to get the picture that it is a cross-border industry and that dogs come from elsewhere to race at Thornton, but could you explain that a bit more?

**Mark Ruskell:** It might be better if Gill expands on that.

**Gill Docherty:** Once again, I can tell you what I know from a registered track, because we have some limited information. We know from ear tattoos that about 80 per cent, if not more, of the greyhounds that race in Scotland and the rest of the UK come from Ireland. It is a bigger business in Ireland and a lot of the breeding is done in Ireland, although it is not done there exclusively.

The flow of dogs is, therefore, from Ireland to Scotland. We do not know whether that is the case at Thornton, but it is the case everywhere else. There is no traceability for those dogs, and we have no idea which dogs are racing. We also do not know how frequently they are being raced. There are limited rules about not overracing dogs at races on GBGB tracks. We check the dogs' ear tattoos, so we know how many times they are racing—albeit that the organisers frequently breach their own rules on that. Dogs could be raced at Thornton on a Saturday and then be taken across the border to Newcastle and raced there the next day.

There is movement of dogs from Ireland; we are aware of very little breeding in Scotland. If we were to lift the last tiny bit of greyhound racing that we have in Scotland out of the equation—the industry has folded in on itself already—we would be in a prime position to make it a banned industry, so that it would not come back. It is almost gone already.

**Ariane Burgess:** Jim Fairlie asked about the fact that there are no vets at Thornton, and you talked about euthanasia in your opening statement. How does euthanasia happen at Thornton? You might not know.

**Gill Docherty:** We are working blind. If a dog breaks its spine at a GBGB track, a vet is there who will have Euthanasol, which is the injectable that would humanely put a dog to sleep. It is worth noting that there must be a freezer to store dead dogs in. The organisers in the industry know that they are going to kill dogs, and they have to have a freezer at the track. However, if there is a vet at the track and a dog has an unsurvivable injury such as a fractured spine, the vet would humanely put the dog to sleep.

Of course, I am not advocating that as a positive thing, but, if a dog broke its spine in Thornton, would the person pile it into the back of their hot car and try to find a vet at 7 pm on a Saturday night to euthanise that dog? Would they try to find somewhere to get it some pain relief in the meantime, or—as the anecdotal evidence that we have indicates—would they do something else to end that dog's life that was not humane, because no other tools were available?

**Ariane Burgess:** Thank you for that. Bear with me, as I have a few more questions.

You have kind of spoken about this, but I want to hear a bit more about it. The Scottish Government has voiced a commitment to ensuring that sentience is taken into consideration in animal welfare. What needs to change in order for greyhounds to be afforded the level of protection that they deserve as sentient beings?

**Gill Docherty:** I do not think that there has ever been an argument about the sentience of dogs, although there have been arguments about sentience in other species. We all understand that dogs are sentient beings; so many of us have them curled up on the couch beside us. A very small minority of people have a blind spot, such that they see greyhounds as lesser dogs. We know of people who have their Labrador on the couch in the house and their greyhound in the shed in the garden, because it is a racing commodity while the Labrador is their pet. I do not think that the wider population thinks that there is a grey area about the sentience of the dogs or their value; only the tiny minority who still participate in greyhound racing do.

**Jacqueline Brown:** That covers it. We are looking for equality for greyhounds—for them to be treated the same as the other animals that are covered by the current legislation. We argue that the current legislation is not working, given what we see happening on the tracks. If it was working, there would not be injuries and deaths; we think that the injuries and deaths are not acceptable. That is the bottom line. We can argue about Thornton, and we could talk for days on the subject—as, I am sure, you can imagine—but the bottom line is that it does not make sense that the current animal welfare position does not protect greyhounds as sentient animals.

**Ariane Burgess:** Thank you for that. I will pick up on what you said in your opening remarks about now being the time to act, for various reasons. What timescale is now in your mind for this opportunity, because of Covid and with Shawfield closing?

**Jacqueline Brown:** I am not too familiar with parliamentary processes, so putting a timescale on it is a bit difficult for me, but I am looking for some action to be taken as soon as possible, because we are concerned that Thornton is trying to attract numbers back, which could spur people on to bring more greyhounds into the country or to breed them. As Gill Docherty said, we are not aware of any breeders in Scotland, but we are on a bit of a precipice at the moment and we could go one way or the other.

There is the potential for Thornton to start building up its numbers again, which might ultimately make it more difficult to bring about a ban. There will also be a socioeconomic impact if Thornton is allowed to build up its numbers again,

so now is the perfect time, because there are not those issues to consider on a big scale.

The crux of our presentation is that regulation does not work, so why would we bring in regulations for Thornton if the current regulations do not work?

**Gill Docherty:** On the question about a timescale, we are not parliamentarians, so we do not know what the processes are, but I ask the committee to bear in mind that the petition was lodged in 2019 and we are sitting here in 2022 and nothing has happened.

I am concerned that some of the measures that might be suggested will be, “We will write a letter”, or, “We will ask somebody to consider adding it to a work plan.” It could take another couple of years to gather evidence, hold consultations and so on, and we have spoken about how many extra deaths and injuries that would result in.

When we spoke to Christine Grahame at the meeting of the cross-party group on animal welfare, she was very pleased that we had gone down the route of a public petition, because the purpose of public petitions is to give the public an opportunity to raise an issue with the Government that does not fit somewhere else in its plans. It is the fifth most signed petition, so there is a lot of support for it.

We feel that we have waited so long. Some of the delays have been due to Covid. However, one year ago, a letter was supposed to be written to the Scottish Animal Welfare Commission, but that did not happen. That was not Covid related. It was either forgotten about or not taken seriously enough.

We feel that changes to the 2006 act will not be fast enough. We would like the issue to be debated in the chamber and to go to a vote. That would allow us to use the public petition provision that should allow the public to bring an important issue to the fore without having to wait four years for a bill.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I am sorry to cover ground that has already been covered, but it is really disappointing to hear from the evidence that the 2006 act is failing greyhounds.

I just want to square something here. Gill Docherty, in your presentation, you said that no amount of welfare legislation would improve the situation. However, Jacqueline Brown said that, if current legislation was improved and greyhounds were treated equally to other racing animals, we could see an improvement, but she then slightly contradicted herself in her response to Ariane Burgess.

What is the committee looking at here? We have to be clear. In her answer to Mark Ruskell's question, the cabinet secretary referred to the Scottish Animal Welfare Commission; its attitude is to look at licensed and unlicensed tracks and to understand how regulation can improve the rate of animal injuries. We have to look at the option of a ban, which is what the Green Party is after, and we have to look at what the Scottish ministers are saying, and they are referring to the commission. Those are two very different routes. What is the best way for our committee to look at the issue? Is it to look at the deficiencies of the 2006 act, or is it to look at the merits of a complete ban?

**Gill Docherty:** It is definitely to look at the merits of a ban. Jacqueline Brown was not saying that greyhounds should be treated equally to other racing animals; she was saying that they should be treated equally to other animals under the legislation. No other dogs other than greyhounds are put in that position in this country.

The point that we are trying to make in presenting the data from the regulated tracks is that, if the argument is that we should introduce regulation to Thornton, does that mean that we are happy for there to be 18,000 injuries and 3,000 deaths? Are we saying that we will bring Thornton into the fold because we are happy with that level of abuse, doping, injury and death? We are not happy with that. It is not an acceptable position.

10:45

I understand what you are saying and that the Government might look for a middle ground, but we are trying to explain that there is no middle ground for the greyhounds. Arguably, the middle ground would be to make Thornton a regulated track. Would that be self-regulation? Would Thornton actually co-operate with the SSPCA and Police Scotland? Might it not publish information until months down the line when the evidence has been lost? Would we put in place welfare regulations similar to those of the GBGB and then say that we are now happy with the injuries, deaths and doping because at least we can see that we have a regulatory body?

It is not just the Greens who support the ban. It is incredibly significant that the SSPCA is saying that greyhound racing should be banned. How can we allow it to carry on when the SSPCA, which is the body that has the statutory authority to investigate and prosecute breaches of the Animal Health and Welfare (Scotland) Act 2006, says that it cannot do that job because it cannot get into the track, says that the dogs are not being protected and thinks that the Parliament should ban greyhound racing? Where do we go from there, given that the SSPCA is saying that it cannot be effective?

**Rachael Hamilton:** Is the Scottish Animal Welfare Commission going far enough in its proposals on what it will report on? It says that it might consider work

“as GBGB regulation only covers licensed tracks, to address issues with unlicensed tracks, also whether regulation is effective in, for example, reducing fatalities at tracks.”

If we are stuck at this point, it is the committee's job to take further steps to ensure that the Animal Welfare Commission considers the issue in greater detail. If it is looking at the issue through such a narrow lens, that will surely not square with the aim of your petition.

**Gill Docherty:** It will not. As far as I am aware, it is not part of the commission's work plan within the current period. I suppose that I am banging the same drum, but it comes down to whether the Government is happy to accept a certain level of injuries, deaths and drugging of dogs. That does not sit well with us. Any measure short of a ban says that the Government is happy to accept that level of abuse. Given that the SSPCA says that it cannot provide protection for the dogs, it is a moot point—I do not understand how we can let greyhound racing continue.

**The Convener:** I am afraid that we are running over time, so I ask members to keep their final questions as brief as possible. I am sure that this will not be the last time that the witnesses appear before the committee.

**Beatrice Wishart (Shetland Islands) (LD):** I thank Gill Docherty and Jacqueline Brown for their evidence, which has been quite enlightening. If a ban is introduced, is there a danger that the sport will go underground and become more difficult to regulate?

**Jacqueline Brown:** I could argue that it has gone underground already, given that we do not know anything about what is going on at Thornton. That is a possibility, but if sufficient legislation is put in place to tackle any tracks that pop up, I would hope that they would be dealt with. Greyhound tracks are quite large operations, so they are difficult to hide. That might limit any future underground operations, although that is always a possibility. However, at the moment, there is nothing to prevent such tracks from opening up. A ban would prevent that from happening.

**Karen Adam (Banffshire and Buchan Coast) (SNP):** Good morning, everyone. I thank the witnesses for their evidence so far. Gill Docherty spoke about the petition gaining quite a lot of traction. Did I hear you say that you go trackside sometimes?

**Gill Docherty:** Yes.

**Karen Adam:** Could you give us some understanding of public opinion on greyhound racing, given that there is now only one track active in Scotland?

**Gill Docherty:** I mentioned the number of signatures—we know that the number of people backing the petition is high. A big part of what SAGE has done over the past three and a half years has been to protest every Saturday at Shawfield stadium. We have also held protests at Thornton. We take a counter to see how many people go to the tracks. Unlike in England, we do not televise our racing in Scotland, so it does not go to bookmakers' televisions or anything like that. That means that the only people who are watching and betting on the racing are the people who walk through the door. Before the pandemic, there would frequently be fewer than 100 people at Shawfield on a Saturday night, although the stadium has a capacity of 4,000. There used to be 30 tracks in Scotland. A tiny minority of people are still invested in greyhound racing, and they were probably racing greyhounds 30 or 40 years ago. That is the demographic that we see going into the stadium.

Support for the ban is high, and footfall at the tracks is tiny—we know that because we have been counting it for the past three and a half years. When we have held protests at Thornton, we have seen that there might be only 30 people.

**Karen Adam:** Correct me if I am wrong, but I am guessing that much of your work is about raising awareness. Do you have any anecdotal evidence of talking to people and raising awareness? Is there enough awareness of the issues? Are the people who go to the greyhound tracks aware of what is going on?

**Jacqueline Brown:** We have a lot of anecdotal stories of that kind of thing. We have spoken to people outside Shawfield who have turned around and walked away from the track rather than go in because they were so disturbed by what we had told them. We try not to be too emotional in our arguments; we try to be fact and evidence based. We show people the evidence and let them make up their own minds. We have never been forceful with any of our opinions and views—we are simply educational.

We have seen people walk out or not be able to go in. Staff members from Shawfield have spoken to us at length about how much they hate working there, but they say that it is a job and they have to do it. We know that public support is out there. At all the demonstrations—we have also held protests in Glasgow city centre—we have had a massive amount of support. We take the dogs to the protests and let people meet them and engage with them. Many people have never been up close to a greyhound and are surprised to find that it is

just a dog, because greyhounds are not treated like ordinary dogs.

We believe that public support is behind us. We started the protests at Shawfield in 2017, so they have been going on for five years. At the start, about a couple of thousand people were going in. When we started counting the numbers, about 300 people were going in, but, over that year, the numbers came down and down, with fewer than 100 people attending the races. There were concerns about the people who were attending—we often saw people going in with babies in buggies, along with crowds of drunk men on stag parties. There was a whole mix of what we considered to be inappropriate behaviour in and around the stadium. We believe that the public are on our side.

**The Convener:** I am sorry that we are running out of time. We have one final, short supplementary question.

**Alasdair Allan:** You indicated that the interest in Scotland in this sport—to use their word—seems to be very limited. Is the gambling industry driving the defence of greyhound racing? If so, is that the gambling industry in Scotland, or are people in Ireland betting on it? Where is the incentive to keep it going?

**Gill Docherty:** You may not know about Bookmakers Afternoon Greyhound Services, or BAGS, racing, in which races go on behind closed doors and are televised. Someone could sit in a bookmakers all day watching dogs going round and making bets. We do not have BAGS racing in Scotland, so people in Ireland cannot bet on what is happening in Thornton or Shawfield—albeit that Shawfield is now closed. The only people who are betting are those who walk in. Jacqueline Brown explained that the track in Thornton is large, so it cannot be hidden, but it is a small operation: 30 or 40 people go in, some of whom are children or partners of those who bet.

There is no gambling industry underpinning greyhound racing. Even when the Shawfield track was open, there would be 100 people, some of whom would not place a bet. A lot of people would go for stag dos, birthday parties and retirements. They would say to us, "I won't be betting—I'm just here because it's Shuggie's 60th." There is no big business there whatsoever. That ties into why now is the time to end it. There is no industry; it is only about the interests of a couple of people who like to abuse their dogs.

**Jim Fairlie:** If so few people turn up and there is no online betting system, where is the financial incentive for greyhound racing to continue? If proper regulations were brought in, surely the financial side of it would make it an irrelevant pastime anyway.

**Gill Docherty:** I do not think that there is a financial incentive now, with the industry as it is here. For example, if Thornton were forced to employ a vet, it would not be able to afford that. Finances do not drive this. There is the age-old argument that it is tradition. People say, "Greyhound racing is in my blood. My father raced greyhounds." However, that is a really weak argument to allow abuse to perpetuate.

**The Convener:** I am glad that we got the comments about gambling on record, because I was going to ask whether the Gambling Commission has a remit in the matter. It appears that that would be very limited.

I thank the witnesses very much. We could have asked you a lot more questions if it were not for the time constraints, but the evidence that you have provided is very helpful.

The paper that is in front of us sets out a number of suggestions for our next steps. I am aware that a letter was not sent to the Scottish Animal Welfare Commission, which is regrettable. We thought that its response would be available to us. We still need to write to the Scottish Animal Welfare Commission to ask for further information on its views on the welfare of greyhounds in Scotland and about what consideration it has given to including and prioritising that in its work programme. Do members agree that we need to do that?

*Members indicated agreement.*

**The Convener:** We can also write to Thornton greyhound track to ask for information about how it protects the welfare of greyhounds that race there. I know that the witnesses have already said that we could write letters and still be here in four years' time, but it is also important that we write to the Scottish Government to seek a position statement on the regulation of greyhound racing, given that that appears to be provided for in the 2006 act. Mark Ruskell raised that issue. It appears that the provisions of part 2 of the 2006 act apply to all people who are responsible for animals, including breeders, trainers and owners of racing greyhounds. We could certainly ask the Scottish Government for an updated position on that.

Are there any other suggestions about what we can do at this stage?

**Mercedes Villalba:** Can we write to Fife Council? I do not know whether we can ask it to attach conditions to the licensing or to explore or look into the issue. I am not sure how it works, but it seems that, if a licence has been granted to an unregulated track, there is scope to add conditions to it.

**The Convener:** We can certainly seek further information about the licensing of the track and the council's involvement in the situation.

I should have asked whether members are content to continue the petition. I was very presumptuous in assuming that that would be the case. Are members content to progress the petition?

*Members indicate agreement.*

**Alasdair Allan:** As we continue to look at the matter, it would be useful to get an indication from the SSPCA about why it has changed its stance. Its view on the matter would be helpful as we continue to do that.

**Rachael Hamilton:** I would like us to ask Police Scotland why it is so difficult to secure criminal prosecutions and disqualifications and other such provisions that are set out in the act. I would like to know whether the Gambling Commission has a statutory levy that supports the welfare aspect of the industry, and we ought to hear from the GBGB following the evidence that we heard from Gill Docherty.

11:00

**The Convener:** Absolutely. We need to ask the GBGB some questions. We need to be clear that, at this point, we were only trying to get a foundation and as round a picture of what the situation is as we could. Once we have information from the Scottish Animal Welfare Commission, in particular, we will be in a better position to decide what the next step will be and what approach we should take. That might mean calling for further written evidence or further oral evidence from a wider range of stakeholders.

**Gill Docherty:** The GBGB has no jurisdiction any more—

**The Convener:** I am afraid that only members can contribute at this point. I am sorry.

**Gill Docherty:** Apologies.

**Rachael Hamilton:** To respond to Gill Docherty's point, it is important that the committee gets the whole picture, because we are starting from scratch.

I note from the 2006 act that the Scottish ministers set the precedent for veterinary inspections on tracks. I would like to hear from the veterinary industry. I know that that is going down the line, as we are opening it up to others as we develop our approach, but it is really important that we cover all the aspects and get a view from the veterinary world.

**The Convener:** We have to be careful not to open up to too wide a range of stakeholders.

However, the stakeholders that have been mentioned are key. We have covered veterinary concerns, the police, the greyhound industry, Fife Council and the Scottish Animal Welfare Commission, which are some of the most fundamental stakeholders in the argument. When we get responses, we can make a decision on how to proceed.

I assure the petitioners and those who are watching online that we are not kicking the issue into the long grass. We absolutely appreciate that we are a year behind where we should be, and I am sure that I speak on behalf of the committee when I say that we are concerned about animal welfare and that we strive for the highest animal welfare conditions. We are not going to kick the issue into the long grass, but we need to work to timescales, and the timescale will probably depend on the response from the Scottish Animal Welfare Commission.

**Jim Fairlie:** We have been asked whether we want to continue the petition and take stakeholder evidence. Does that turn this into an inquiry rather than a continuation of the petition? That is a daft-laddie question from a new parliamentarian.

**The Convener:** One of the decisions that we had to make today was on whether to close the petition or continue looking into the issue. I think that we have agreed that the next step is to write to the main stakeholders and get back more information. We will then decide whether to do a full inquiry or a report or ask the Scottish Government for further information, for example. We can make that decision after we get initial responses to the letters that we will write.

I suspend the meeting briefly to allow for a changeover of witnesses. We will resume at 11:10.

11:03

*Meeting suspended.*

11:10

*On resuming—*

## Subordinate Legislation

### Agriculture and Horticulture Development Board (Amendment) Order 2022 [Draft]

**The Convener:** Our third item of business is consideration of a draft order that is subject to the affirmative procedure. I refer members to paper 2 in their paper pack. It is worth flagging up that we are considering a UK statutory instrument that has been laid in all UK legislatures—I always get tongue-tied on that word. It cannot be laid in the UK Parliament until it has been approved by the devolved legislatures.

I welcome Màiri McAllan, the Minister for Environment and Land Reform, and her officials, who are Neil MacLeod, principal legal officer, and Caspian Richards, head of the policy and pesticide survey unit at science and advice for Scottish agriculture. I invite the minister to make an opening statement.

**The Minister for Environment and Land Reform (Màiri McAllan):** Thank you, convener, and thank you all for the opportunity to give evidence on the draft order.

By way of background, the Agriculture and Horticulture Development Board—AHDB—is a statutory levy board that is funded by farmers, growers and others in the supply chain. It provides services and advice to support and promote our world-class food and farming industry. The AHDB comprises six statutory levy-paying sectors that are included in the scope of the order, which are: the cereal and oilseed industries in the United Kingdom; the milk, horticulture and potato industries in Great Britain; and the pig, beef and sheep industries in England.

As the convener said, the order is a UK-wide instrument, to be made in exercise of powers conferred by the Natural Environment and Rural Communities Act 2006 on the secretary of state, acting with the approval of the Scottish ministers. The act also provides that the Scottish ministers may not give that approval without the approval of the Scottish Parliament, which is why the order is before the committee today.

The purpose of the order is to amend the principal Agriculture and Horticulture Development Board Order 2008, which established the AHDB and is the source of its functions, to remove the statutory levies in the horticulture and potato sectors in Great Britain. That is being done because, in January and February 2021, levy payers in the horticulture and potato sectors triggered democratic ballots on whether they



wanted the statutory levy to continue in their sectors. In the horticulture ballot, 61 per cent voted against the levy continuing, from a 69 per cent turnout. In the potato ballot, 66 per cent voted against the levy continuing, from a 64 per cent turnout. The order respects those democratically expressed views and the outcome of those ballots by removing all the legislative provisions for the statutory levy in those two sectors.

In addition, the order seeks to improve accountability for the remaining levy-paying sectors, which I mentioned a moment ago. It does that by imposing a new duty on the AHDB to deliver a regular vote by levy payers—at least once every five years—on what their levy will be spent on.

Finally, the order makes an amendment to the original AHDB order to clarify that the AHDB's ability to charge for services includes all the industries in the scope of the order and not only those sectors that pay a levy. The amendment is purely technical and will ensure that, although the statutory levy is being removed for horticulture and potatoes, the rest of the order will continue to apply to those sectors. It means that, if they decided to, businesses in either sector could continue to work with the AHDB on a voluntary or commercial basis.

In addition to the provisions that are contained in the order, the AHDB consulted on a further proposal, which was on broadening the AHDB's scope to further agricultural sectors. A majority of respondents in Scotland resisted that proposal and voted against it, and they highlighted that the AHDB should use this opportunity—following the vote and the removal of the levy in some sectors—to rationalise and deliver excellence in its service rather than expand it, so that has not been included.

11:15

In summary, I support the changes that the order makes to give expression to the democratic views that are expressed by the horticulture and potato sectors and to introduce greater accountability for the remaining sectors. Looking forward, we will continue to work closely with the horticulture and potato sectors as they work to identify their priorities and the way in which they wish to organise themselves outwith the scope of the statutory mechanism. The draft order provides the flexibility that will enable them to do that on an individual subsector basis, and we will work with them as they decide what they wish to do.

That is plenty from me, but my officials and I are happy to answer any questions.

**The Convener:** Thank you. It was a democratic vote by the horticulture and potato sectors, but

what does that vote say about the quality of the services that are provided by the AHDB? What impact do you foresee the sectors experiencing as a consequence of leaving?

**Màiri McAllan:** I think that it is an indictment with regard to what the horticulture and potato sectors felt was their experience with regard to value for money, the quality of the services provided and the accountability for decisions that were made and for what the levies were spent on. For the remaining sectors within the order, that second provision in the legislation ought to improve the circumstances, because there will be a vote every five years on what the levies should be spent on.

With regard to the future of the horticulture and potato sectors outwith the statutory mechanism, it is now open to them to decide either on a whole-sector or subsector basis how best to organise themselves and what they wish to prioritise. As I say, the Scottish Government is happy and willing to continue working with them on that.

**Rachael Hamilton:** The decision was made through a democratic ballot, but I would like to hear more about the engagement that you have had with the board about how the change will impact on its ability to reach out to provide voluntary or commercial services to the people in the horticulture and potato sectors who previously used those services. Does the change have an impact on the support that the Scottish Government will have to give to the AHDB?

**Màiri McAllan:** On the first part of your question, which raises a sound point, there are a number of provisions that the AHDB would previously have provided to the horticulture and potato sectors that I think people in those sectors would still regard as important, including work on the fight against blights, aphid monitoring and applications for emergency pesticide use. Such things were previously arranged on a collective basis and I think that, now, conversations will be had about how best those services can be provided in future.

You ask about the interaction that we have had with the board. In the consultation, it was clear that the work on the application of fertilisers was identified as very important. The AHDB will continue to provide that until 2023. We have responded to what was asked for in the consultation but, as I say, it is extremely important to respond to democratic wishes as they are expressed, and it is now for those industries to agree how they wish to organise themselves, and we, the AHDB and others in the four nations of the UK are here to continue working with them.

**Rachael Hamilton:** It is just that the blight and aphid issues are driven through specific guidance

in the potato sector that comes from Government. I suppose that, therefore, I would like your reassurance that you will not only continue to support the board itself but will provide support if things come to the point at which, for example, there might be job losses.

We need to make sure that Scotland is at the cutting edge of tackling blight and disease and ensuring that we do not have a pest issue. On behalf of the committee, I hope that we can get a reassurance from the Government that you will keep an eye on the situation.

**Màiri McAllan:** I absolutely give that commitment. I do not anticipate any job losses as a result of the removal of the statutory levy. On the point about the continuing support for research and development in those areas—as well as for marketing, which is separate—we are absolutely there to provide that. Recently, we invested £2.2 million in research into potato cyst nematode, and that research continues in our world-class research facilities, including in the James Hutton Institute.

I will hand over to Caspian Richards in case he wants to add anything.

**Caspian Richards (Scottish Government):** It is very much the case that the research expertise that we have in the James Hutton Institute and other facilities in Scotland is fundamental, and we support it through the strategic research programmes that we fund. Their ability to provide those services is fundamental to the long-term solution. We will wait to see what comes out of the industry discussions as to what form that will take and how we can support it.

**Mercedes Villalba:** Good morning, and thank you for coming.

What is the Scottish Government's understanding of how the UK Government reached the decision to require the board to hold a regular vote at least once every five years and not more frequently than that?

**Màiri McAllan:** It was not necessarily a UK Government decision; it was a joint Governments decision. To give you a bit of background to what happened, in 2021, growers in Lincolnshire gathered enough people to trigger a ballot. The ballot took place and, as I set out in my opening remarks, the majority voted to remove the levy. There was a consultation, which was developed by the UK Government and us, which spoke to some of the questions that were part of the ballot and to some wider questions. Within that was the point about how we ensure greater accountability for the remaining sectors.

On the provision to have a vote every five years, it is at least every five years, but the AHDB has

already committed to do so more frequently. I expect that the first vote will be in April 2022. I will let Caspian come in on that, but the vote is to be at least every five years, although I would expect it to be more often than that.

**Caspian Richards:** The AHDB has gone out for the first time to the continuing sectors as part of that exercise, so it has just opened to growers in those sectors.

**Mercedes Villalba:** Does the Scottish Government think that having a vote more regularly than every five years would improve transparency and accountability? It sounds as though you would support more frequent voting.

**Màiri McAllan:** Absolutely. Within reason, I would support consultations that are as frequent, broad and deep as possible with those who are paying the levy and for the services that the AHDB provides.

**Mercedes Villalba:** If levy payers reject the board's proposals on how the levy will be spent, how can the levy payers influence the proposals? Can they make counter proposals? What is the process?

**Màiri McAllan:** That is a good question. I am not sure that I have the detail of exactly what would happen if, in one of the votes, the levy payers rejected the proposals, but I am more than happy to come back on that point.

**The Convener:** It would be most helpful if you could come back to the committee in writing on that question.

**Alasdair Allan:** In your interaction with the potato and horticulture sectors on some of the issues, has the Government been alive to the wider challenges that those sectors have faced? Inevitably, I think of exit from the European Union, but are there others?

**Màiri McAllan:** Absolutely. It is a tumultuous time for the sectors, particularly since EU exit when, at the stroke of a pen, the UK Government's Brexit deal ended the Scottish seed potatoes market for trade into the EU virtually overnight.

The cabinet secretary, Mairi Gougeon, and I, along with our officials, have regular round-table meetings with the potato and horticulture sectors to get an on-going understanding of their concerns and how we can address them. To date, the concerns largely centre on trading opportunities post-Brexit—as I just mentioned, the EU market was cut off overnight—the availability, or lack, of a workforce, and supply chain disruption, on which Brexit, the pandemic and other global issues have had a huge impact.

Most of those areas are reserved, and we are in almost constant contact with the Home Office and

the UK Government, making representations on behalf of the Scottish sector. So far, responses have been very disappointing, but we will continue to make representations.

In the meantime, we are providing support in the way that we can; for example, in R and D and in some of the ways that I mentioned to Rachael Hamilton, such as by investing in research into blight and other pests that cause problems for the industry.

**The Convener:** You mentioned seed potatoes. What is your view on exactly where the problem lies with regard to Scottish seed potatoes? Is it a UK Government position or an EU position that means that seed potatoes cannot be exported as they were?

**Màiri McAllan:** I am happy to answer that question albeit that I do not think that it is within the remit of what we are discussing today.

**The Convener:** I thought that you raised it.

**Màiri McAllan:** Yes, I did, and I am happy to answer the question.

It is a problem of dynamic alignment and the failure to reach agreement prior to Brexit taking place. That is undoubtedly the case, but what we need to focus on now is finding solutions that will allow Scottish producers to continue to trade with the EU and at the same time finding alternative trading routes in the rest of the world. We require the UK Government and the EU to get round the table to make progress on that.

**The Convener:** Thank you.

As there are no further questions, we move to our next agenda item, which is formal consideration of the motion to approve the instrument. I invite Ms McAllan to move motion S6M-03604.

*Motion moved,*

That the Rural Affairs, Islands and Natural Environment Committee recommends that the Agriculture and Horticulture Development Board (Amendment) Order 2022 [draft] be approved.—[*Màiri McAllan*]

*Motion agreed to.*

**The Convener:** Does the committee agree to delegate authority to me to sign off our report on our deliberations on this affirmative SI?

*Members indicated agreement.*

**The Convener:** That completes consideration of the affirmative instrument. I thank the minister and her officials for attending.

## European Union (Withdrawal) Act 2018

### Common Agricultural Policy (Cross-Compliance Exemptions and Transitional Regulation) (Amendment) (EU Exit) Regulations 2022

#### Phytosanitary Conditions (Amendment) (No 2) Regulations 2022

11:28

**The Convener:** Agenda item 5 is consideration of consent notifications for two UK statutory instruments. I refer members to paper 3, from page 16.

As there are no comments on the instruments, do members agree to the Scottish Government's decision to consent to the provisions that are set out in the notifications being included in UK, rather than Scottish, subordinate legislation?

*Members indicated agreement.*

**The Convener:** That concludes our business in public.

11:29

*Meeting continued in private until 12:11.*



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