



OFFICIAL REPORT
AITHISG OIFIGEIL

Rural Affairs, Islands and Natural Environment Committee

Wednesday 14 December 2022

Session 6



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Pàrlamaid na h-Alba

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CONTENTS

| | Col. |
|---|-------------|
| SUBORDINATE LEGISLATION | 1 |
| The Common Organisation of the Markets in Agricultural Products (Poultrymeat) (Miscellaneous Temporary Amendments) (Scotland) Regulations 2022 (SSI 2022/352)..... | 1 |
| Seed (Equivalence of Countries) (Amendment) (Scotland) Regulations 2022 (SSI 2022/328)..... | 6 |
| HUNTING WITH DOGS (SCOTLAND) BILL: STAGE 2 | 7 |

RURAL AFFAIRS, ISLANDS AND NATURAL ENVIRONMENT COMMITTEE

34th 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 PARTICIPATED:

Ramona Branza (Scottish Government)

Mairi Gougeon (Cabinet Secretary for Rural Affairs and Islands)

Màiri McAllan (Minister for Environment and Land Reform)

Edward Mountain (Highlands and Islands) (Con)

Colin Smyth (South Scotland) (Lab)

CLERK TO THE COMMITTEE

Emma Johnston

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Rural Affairs, Islands and Natural Environment Committee

Wednesday 14 December 2022

[The Convener opened the meeting at 09:00]

Subordinate Legislation

The Common Organisation of the Markets in Agricultural Products (Poultrymeat) (Miscellaneous Temporary Amendments) (Scotland) Regulations 2022 (SSI 2022/352)

The Convener (Finlay Carson): Good morning, everyone, and welcome to the 34th 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.

Under our first agenda item, we will take evidence on the Common Organisation of the Markets in Agricultural Products (Poultrymeat) (Miscellaneous Temporary Amendments) (Scotland) Regulations 2022. The instrument is subject to the affirmative procedure.

I welcome to the meeting the Cabinet Secretary for Rural Affairs and Islands, Mairi Gougeon, and her supporting Scottish Government officials: Ramona Branza, who is the head of food and drink industry growth, and Judith Brown, who is a solicitor.

I invite the cabinet secretary to make an opening statement.

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): I thank the committee for inviting me to speak about the regulations, which allow the marketing of certain poultry meat in defrosted condition for a temporary period between 28 November to 31 December.

Regulation 1308/2013—the single common market organisation, or CMO, regulation—makes provision about poultry meat marketing standards. In particular, it stipulates that

“Poultrymeat and poultrymeat preparations shall be marketed in”

only

“fresh ... frozen”

or

“quick-frozen”

condition, and part 1 of schedule 1 to the Poultrymeat (Scotland) Regulations 2011 states

that contravention of that requirement is an offence.

Due to the current threat from avian influenza, some retailers, as well as the larger turkey processors—which, together, account for about 90 per cent of poultry meat production—contacted the Department for Environment, Food and Rural Affairs to request temporary approval for poultry meat to be frozen and then sold as a defrosted product. The United Kingdom and Welsh Governments have indicated that that will be permitted during the period from 28 November to 31 December.

The Scottish Government sought the views of the Scottish industry, and we wish to address the threat of market disturbance to the poultry meat sector by permitting that in Scotland, too. The instrument therefore temporarily amends the single CMO regulation and the Poultrymeat (Scotland) Regulations 2011 to allow certain poultry meat to be marketed as defrosted. In Scotland, that will not only safeguard domestic supply; it will be of assistance to the industry in mitigating potential loss of income due to any large AI outbreak.

It is important to note that the change does not represent a food safety risk. Under the food information to consumers regulation, any defrosted poultry meat must comply with the labelling regulations, which require that

“the name of the food shall be accompanied by the designation ‘defrosted’”

on the label.

Of course, the marketing of poultry meat as defrosted is not mandatory, as poultry meat can still be marketed as fresh, frozen or quick-frozen during the period. However, those in the industry will be given the option to sell defrosted poultry meat if they so wish.

A full public consultation has not taken place due to the urgent need to temporarily amend the legislation. However, we contacted those in the industry to inform them of the proposal, and we invited comments about it. We received one positive comment and no negative comments. We have also liaised with Food Standards Scotland, which has informed enforcement authorities on behalf of the Scottish Government.

I hope that the information that I have provided to the committee is helpful in setting out the rationale for the instrument. I am happy to take any questions that committee members might have.

The Convener: Thank you, cabinet secretary. I will kick off. Can you give an indication of what the take-up has been like? Given that the change has been in place since 28 November, do you have

any idea of how many birds have been frozen in that way to later be defrosted for supermarket shelves?

Mairi Gougeon: I will ask my officials whether we have up-to-date information on that.

Ramona Branza (Scottish Government): We do not have up-to-date information, but we can come back to the committee on that.

The Convener: That would be helpful.

Alasdair Allan (Na h-Eileanan an Iar) (SNP): Cabinet secretary, you have indicated the market scenario that you are seeking to regulate. Are you likely to amend legislation on a more permanent basis in the future?

Mairi Gougeon: We are not looking to do that at the moment. We intend the approach to be for only the stated period of time, given the nature of the outbreaks that we have seen.

To put things in context, at this time last year, we had not seen any cases. The circumstances are therefore very particular. We will, of course, potentially consider the matter again in the future, but, given the urgency of the situation and to prevent market disturbance, we have set out the approach for that period of time.

Jenni Minto (Argyll and Bute) (SNP): What will happen to the defrosted turkeys that are still on supermarket shelves on 31 December?

Mairi Gougeon: They would not be able to be sold past that point. That is what we set out in the regulations. They can be sold only until 31 December.

Ariane Burgess (Highlands and Islands) (Green): I understand that that is a bit of a deviation from European Union legislation. What is the thinking in the EU that means that it does not allow meat to be sold as defrosted? I want to get assurance that you have thought through all of that.

Mairi Gougeon: Absolutely. Obviously, the regulations will be in place for only a short period of time. Ultimately, we have to make decisions that are in the best interests of the industry and producers in Scotland. That is why we have introduced the regulations. The approach is in line with what is happening across Great Britain at the moment.

As far as I am aware, you are right: the EU is not introducing similar regulations. However, we know that AI impacts not only Scotland and the United Kingdom; it impacts other countries, too. I believe that there were trade reasons why defrosted meat was not permitted to be sold in that way. I do not know whether the officials have any other information on why we have set that out in regulations.

Ramona Branza: Anecdotally, we know that there was an influx of imported frozen poultry meat that was sold as defrosted. A trade decision that that should not be allowed any more was taken. That is the information that we have.

Ariane Burgess: Okay. Thank you.

Jim Fairlie (Perthshire South and Kinross-shire) (SNP): Something sprung to mind when you said that the poultry would not be able to be sold beyond 31 December. Who will monitor what will happen to the birds that have been defrosted and cannot be sold? I presume that there will be various options. They could be minced down and put into burgers and sold in that way, or they could be sold as cooked products. What will happen if there is a surplus that has to be dumped? Who will monitor that?

Mairi Gougeon: On enforcement, we can see what has happened across the rest of GB. Local authorities have been asked not to enforce the regulations as they are, whereas, in Scotland, we have changed the legislation. We would simply be enforcing in the normal way.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I have a practical question about food safety. What if the consumer does not understand that poultry has been frozen and defrosted? Is Food Standards Scotland taking any extra care to ensure that they do not refreeze it?

Mairi Gougeon: We have had discussions with Food Standards Scotland to ensure that no public health risk would be associated with the approach. Generally, the advice would be to follow what is on the label. The labelling element is critically important in making things clear. The advice would be to prepare poultry in line with what is set out on the label.

The commercial freezing and defrosting process is different from what people would do at home, and it is important that people follow the label instructions. Generally, if a product has been defrosted, it would be recommended that it is stored and chilled before it is prepared rather than refrozen.

The advice is to follow the instructions on the label. That is why it is really important to show clearly that the poultry has been defrosted.

The Convener: I have a couple of final questions. I presume that, if the birds are frozen, supermarkets or retailers can decide when to defrost them, so that they will be able to manage what goes on to the shelves. What is the time limit for the birds to remain frozen before they can be sold as defrosted? Does the legislation stop at some point around Christmas, or can those birds be put on the shelves in February, March or April to be sold as defrosted?

Mairi Gougeon: They are being sold only as defrosted. More birds could potentially be frozen—that could be an option—but we have taken the decision and gone ahead with it because retailers cannot stock more frozen products. They are already selling birds as defrosted, if that makes sense.

The Convener: Do you think that there will be an increase in the number of birds that are frozen and then sold as frozen?

Mairi Gougeon: That option is still open. However, we are adding the additional option that they can be sold as defrosted so that there is not an impact on retailers and their ability to store and then sell those products.

The Convener: Thank you. That is very useful.

Is this the first time that such a policy has been brought in, or are there examples of that having happened in the past?

Mairi Gougeon: As far as I am aware, this is the first time that we have introduced the regulations. My officials are nodding. I believe that this is the first time that we have done that. Given the nature of AI and what we have seen this year, the situation is unprecedented; we have never seen an outbreak like it. That is why we have had to introduce the regulations. There are unique circumstances.

Mercedes Villalba (North East Scotland) (Lab): Following on from the convener's questions, I am interested to know the point at which birds are defrosted. Does the producer defrost them and then pass them on to the retailer, or do they remain frozen with the retailer until they defrost them for the shelves?

Ramona Branza: The producers would not defrost them. Once the turkeys have been processed, it is over to the retailers. It will be at the discretion of the retailers when they see fit for them to be defrosted and commercialised as such.

Mercedes Villalba: Would they need to be defrosted for sale prior to the deadline of 31 December?

Ramona Branza: Absolutely—and that decision will sit with retailers.

Mercedes Villalba: If retailers saw that the birds were not selling and that they therefore still had a lot in stock, would there be any option, as the convener suggested, to hold them back in order to put them on to the shelves in the new year, or will they literally have to be signed off as waste?

Ramona Branza: They could not be commercialised as defrosted. Frozen turkeys will not be able to be commercialised as defrosted after 31 December—that is, from 1 January next

year—but they can be kept frozen and sold as frozen. That is still an option.

Mercedes Villalba: Will you keep their commercialisation as defrosted under review, or is that a hard cut-off date after which it will not be looked at again?

Mairi Gougeon: What do you mean? Do you mean potentially extending that or bringing it forward? Obviously, we would want to see what impact there has been. We will monitor that after 31 December to see how the approach has worked and whether it has had that impact.

The Convener: Agenda item 2 is formal consideration of the motion to approve the instrument. I invite Ms Gougeon to move motion S6M-06961.

Motion moved,

That the Rural Affairs, Islands and Natural Environment Committee recommends that the Common Organisation of the Markets in Agricultural Products (Poultrymeat) (Miscellaneous Temporary Amendments) (Scotland) Regulations 2022 be approved.—[*Mairi Gougeon*]

The Convener: No member wishes to debate the motion.

Motion agreed to.

The Convener: Is the committee content to delegate authority to me to sign off a report on our deliberations on the affirmative Scottish statutory instrument?

Members indicated agreement.

The Convener: That completes consideration of the affirmative instrument. I thank the cabinet secretary and her officials for attending the meeting.

Seed (Equivalence of Countries) (Amendment) (Scotland) Regulations 2022 (SSI 2022/328)

The Convener: Our next item of business is consideration of the Seed (Equivalence of Countries) (Amendment) (Scotland) Regulations 2022. The instrument is subject to the negative procedure.

Members do not have any comments on the regulations.

We will suspend the meeting for a couple of minutes to allow the next witnesses to take their seats.

09:14

Meeting suspended.

09:15

On resuming—

Hunting with Dogs (Scotland) Bill: Stage 2

The Convener: Our next item of business is continuation of our consideration of the Hunting with Dogs (Scotland) Bill at stage 2. I welcome back Màiri McAllan, the Minister for Environment and Land Reform, and her supporting officials. I also welcome back Colin Smyth and Edward Mountain. Beatrice Wishart will join us remotely.

Section 3—Exception: management of wild mammals above ground

The Convener: Amendment 69, in the name of Edward Mountain, is grouped with amendments 70, 114, 140, 115, 203, 71, 36, 120, 29, 121, 223, 37, 97, 98, 125, 141, 126, 226, 38, 99, 128, 32, 129, 230 and 39. I remind members of the pre-emptions in the group.

Edward Mountain (Highlands and Islands) (Con): Before I make any comments, I remind the committee of my declaration in the register of members' interests, which shows that I am part of a family farming business and that I manage land.

All my amendments in this group relate to the same part of the bill and seek to change the wording to say that the aim must be to shoot the wild mammal dead. You cannot, as the bill suggests, always shoot the wild mammal dead, but the aim must be to do so. I think that that meets the minister's requirement that the animal should not be wounded and subsequently chased, which I believe is the minister's fear. My aim is to make it clear that the provision is about the intention to shoot the animal dead. It is always the intention of a person with a gun to shoot the quarry dead, but it is not always possible to achieve that.

I turn to the rest of the amendments in the group. I support Rachael Hamilton's amendments. I have already made sufficient comment during previous meetings on Colin Smyth's amendments relating to falconry, and I do not propose to rerun my comments—I shall comment at the end, if that is appropriate. Beatrice Wishart's amendments seem sensible, but I would like to listen to what she says before I comment.

I move amendment 69.

Colin Smyth (South Scotland) (Lab): Amendments 114, 120, 125 and 128, in my name, would remove the use of a bird of prey as a method of killing. That is neither a humane nor an efficient method of killing, and there is therefore no justification for its being a permitted method.

In written evidence to the committee, the Scottish Animal Welfare Commission stated that it is

“not aware of any evidence that killing by a bird of prey is more humane than killing by a dog and would certainly doubt that it could be more humane than competent shooting”.

It is clear that the exception is not in line with the intentions of the bill, so I urge members to support my amendments to remove the inhumane practice of using a bird of prey as a method of killing wild animals. The only argument that I have heard against that is the fact that it is currently legal, which is a pretty lame argument.

Amendments 115, 121, 126 and 129 would specify that dogs are not to be used to kill an injured wild mammal. That is in keeping with a key purpose of the bill and would ensure that more humane methods are used to kill a wounded animal, avoiding the use of that scenario as a cover story. I urge members to support my amendments to ensure that emerging mammals are killed as humanely as possible and that there are no loopholes in the bill that might allow people to continue using dogs to kill wild mammals.

Rachael Hamilton: My amendments in this group aim to address potential problems with the existing wording, which leaves it unclear what amounts to taking “reasonable steps” to use the method that causes an animal “the minimum possible suffering”. As the bill is drafted, it could be argued that only the method that causes “the minimum possible suffering” can be deployed, regardless of circumstances. It needs to be made clear that causing “the minimum possible suffering” in the context in which the person is operating constitutes taking “reasonable steps”. The expression “as humanely as possible” is widely used in wildlife and welfare legislation and understood by the courts.

Alternatively, the addition of “in the circumstances” would make it clear that the method of minimum suffering will vary depending on the circumstances, even if there was a method that could objectively be said to cause less suffering but was not possible in the circumstances. It also avoids the argument as to which method is the one that causes the minimum suffering possible. Clearly, the sooner an injured animal is dispatched, the better, but would the person who dispatches it immediately using a knife be using the method causing “the minimum possible suffering”, or would they have had to take “reasonable steps” to obtain a firearm if that could be argued to be a method that caused less suffering?

It might be argued that the existing wording could be construed as recognising that the way of killing an injured animal that causes minimum

suffering is relative to circumstances and what is possible but, for the avoidance of doubt, the bill would benefit from an amendment to give a greater degree of certainty to people operating under the legislation and to avoid any vexatious allegations.

Amendments 36 to 39 would allow the person using the dogs to exercise their judgment over how many dogs would be appropriate to cause “the minimum possible suffering”, as they would be best positioned to make that judgment.

Those amendments aim to alleviate suffering for animals, as many others have aimed to do. I urge members to vote for them with that in mind.

Ariane Burgess: I support Colin Smyth’s amendments 114, 120, 125 and 128, which would remove the use of a bird of prey as an accepted method of killing a wild mammal under sections 3 and 5 to 7. The committee heard evidence from, for example, the Scottish Animal Welfare Commission and OneKind that killing a wild mammal with a bird of prey is neither humane nor efficient. There is no justification for its being a permitted method of killing under sections 3 and 5 to 7 when other more humane and effective methods are available.

I understand that the Government does not wish to ban falconry by the back door, but amendments 114, 120, 125 and 128 would not do that. They would simply remove the option to use a bird of prey to kill a wild mammal for wildlife control, environmental benefit or other purposes.

I urge members to vote for Colin Smyth’s amendments.

Mercedes Villalba: I am afraid that I cannot support amendments 69 to 71 and 97 to 99, in the name of Edward Mountain, or amendments 36 to 39, in the name of Rachael Hamilton, as they would allow the use of any number of dogs.

I will support amendments 114, 120, 125 and 128, in the name of Colin Smyth, which would remove the exemption for killing by a bird of prey, as I am not aware of any evidence that that method of killing is humane or efficient. I will also support amendments 115, 121, 126 and 129, also in the name of Colin Smyth, as they would ensure that more humane methods will be used to kill a wounded animal and would avoid creating a loophole.

I cannot support Rachael Hamilton’s remaining amendments in the group, as they seem to prioritise human convenience over animal welfare.

The Minister for Environment and Land Reform (Màiri McAllan): Good morning, everyone.

I will begin with the amendments that Edward Mountain led with and then move on to the others.

The effect of amendments 70 and 98, in Mr Mountain’s name, would be that a person would only have to intend to kill a wild mammal after flushing it from cover. That could create another loophole that could allow a person to prolong the hunting of a wild mammal as long as they intend to kill it, which could clearly be detrimental to the animal’s welfare.

The individual’s intention is also incredibly difficult to prove. That could, therefore, create enforcement problems because, if someone is searching for or flushing a wild mammal using a dog for one of the purposes in sections 3 or 6, they cannot achieve that by simply intending to kill it at some point. It is entirely right that, in those circumstances, the law requires that a person take action to kill the wild mammal

“as soon as reasonably possible”.

For those reasons, I cannot support those amendments.

Amendments 29, 32, 140 and 141, in the name of Rachael Hamilton, would remove the condition to kill a wild mammal

“in a way that causes it the minimum possible suffering”

and replace that with the term “as humanely as possible”, thus reintroducing a test from the Protection of Wild Mammals (Scotland) Act 2002. On the face of it, the amendments might not appear problematic, but we have good reason to require that the wild animal is killed in a way that causes “minimum possible suffering”, as we included in the bill. We deliberately did not use the word “humane”. We considered what that would require in practice, and we tried to be as specific as possible. To do that, we looked to the dictionary definition of “humane”, which is:

“designed or calculated to inflict minimal pain”.

The word “pain” is important there, because we have deliberately referred to “suffering”. The difference is important, because using “humane” would mean that we consider only the physical humaneness of the kill, whereas “suffering” also includes the circumstances that the wild mammal experiences. If we use the term “minimum possible suffering”, a person would not be allowed to put the animal through fear, stress or anguish that causes it to suffer unnecessarily prior to actually killing it. I believe that that is a higher standard and one that we should seek to use. For that reason, I cannot support those amendments.

Amendments 36 to 39, in the name of Rachael Hamilton, would add the conditions to section 3 that dogs may be used to kill a wild mammal in circumstances where the animal has been injured

but not killed, the animal is inaccessible and cannot be killed by shooting, or just that killing it in that way is considered humane in the circumstances. Those amendments would, in effect, allow a pack of dogs to kill a wild mammal in certain circumstances, which I think ought to be clear is entirely contrary to the principle of the bill. In fact, we have been clear from the very beginning that preventing and banning the chasing and killing of a wild mammal by dogs is the fundamental premise of the bill, and I think that those provisions could create a very obvious loophole.

In addition to the fact that I cannot condone a pack of dogs killing an injured wild mammal, I am not confident that it would always be possible to establish that a mammal had genuinely been injured prior to being killed by dogs, which would, again, create the uncertainty in enforcement that we have sought to avoid. For those reasons, I cannot support those amendments.

Similarly, amendments 69, 71, 97 and 99, in Edward Mountain's name, seek to allow a pack of dogs to kill a wild mammal, but do so without any caveats at all. Under those amendments, in our interpretation, a person would only have to attempt to kill a wild mammal before they could set a pack of dogs on it. The amendments would create the glaring loophole of allowing a person to make a token gesture of searching and flushing with two dogs, shooting, missing and then carrying out a hunt with a full pack of dogs. That, again, is contrary to what we are pursuing in the bill, so I cannot support those amendments.

Amendments 114, 120, 125 and 128, in the name of Colin Smyth, pertain to falconry. We rehearsed some of the discussion on this point in last week's meeting but, to reiterate, falconry is permitted in Scotland as long as it is done in accordance with all relevant legislation. The bill is not about the ethics of wildlife management, or hunting, or falconry for that matter; it is about the regulation of the use of dogs while undertaking those activities. Some falconers will use one or two dogs to flush wild mammals to waiting birds of prey, which is why the bill contains provision to allow wild mammals that have been flushed to be shot or to be killed by a bird of prey. That aligns with the position under the 2002 act.

I understand that, on welfare grounds, some people think that falconry should not be permitted. However, as we discussed last week, it would not be correct for us to use this legislative vehicle to potentially ban lawful activities by the back door.

I wholly support the principle of Colin Smyth's amendments 115, 121, 126 and 129. I have been very clear that the chasing and killing of wild mammals using dogs has no place in modern Scotland, and therefore I agree that killing a wild

mammal in a way that causes it the "minimum possible suffering" can never mean allowing it to be killed by dogs.

Having said that, I have one or two concerns that agreeing to those amendments in their current form could create a degree of inconsistency in the bill. Therefore, if Colin Smyth agrees not to move the amendments today, I would be happy to work with him to draft new amendments at stage 3 that would maintain the consistency of the language that is used in the bill and fulfil what I think he seeks to do with his amendments.

09:30

Finally, amendments 203, 223, 226 and 230, in the name of Rachael Hamilton, caveat the condition that,

"if an attempt to kill the wild mammal ... results in it being injured but not killed, reasonable steps must be taken to kill it in a way that causes it the minimum possible suffering",

by adding the words "in the circumstances".

Those amendments are not necessary. The bill as currently worded implicitly provides that the minimum possible suffering may depend on the circumstances, because a person can act only in the circumstances in which they are in. The existing condition refers to reasonable steps being taken; therefore, the condition has already been caveated.

I will try to put that simply: the bill already recognises that the reasonable steps that will be taken to kill a wild mammal in a way that causes it the minimum possible suffering will depend on particular circumstances. I worry that, by adding the wording that Rachael Hamilton has suggested, it could be perceived that those provisions allow for the use of dogs to kill a wild mammal in certain circumstances, which is something that I want to avoid. For those reasons, I cannot support those amendments.

The Convener: I call Edward Mountain to wind up the debate and say whether he wishes to press or withdraw amendment 69.

Edward Mountain: I am disappointed that the minister has not considered amendment 69, on the basis that she perceives that it would create a loophole. The amendment aims to achieve a more reasonable approach, based on lived experience of more than 45 years of wildlife and countryside management. Therefore, I am disappointed that she believes that people would use it as an excuse. The legislation is new, and my amendment seeks to make it clear that people would have to aim to shoot an animal dead rather than shoot it dead. It is not always possible to achieve that, which I can say from long experience.

I will make another point about Rachael Hamilton's amendments that address the most humane way of dispatching a mammal. I am sure that the minister is aware of the practice of mist netting, which is used to remove rabbits in the wild. Do you understand mist netting, minister, or do I need to explain it?

Màiri McAllan: If Edward Mountain wishes to continue with his explanation of that activity, he should do that.

Edward Mountain: Mist netting is when you put out a soft net, which is propped up, before nightfall. After darkness, once the rabbits have moved to the middle of a field to forage, you would drop the net and move the rabbits back to it. Once they have become entangled in the net, you would then dispatch them. Shooting rabbits in those situations would not be appropriate; dispatching them with a sharp blow to the back of the head is the most effective method. In some circumstances, shooting is not appropriate, and I have rehearsed other circumstances when that might be the case.

Jim Fairlie: I understand the point about mist netting, but what does that have to do with hunting with dogs?

Edward Mountain: Mr Fairlie will know that, under the bill, two dogs would be used to drive the rabbits back to the nets, which is the way it is done. You would not just expect the rabbits to run into the net; you would drive them away from their burrows and from where they are foraging into it, which is where you would then dispatch them.

Jim Fairlie: I am not convinced by your argument, Mr Mountain.

The Convener: Speak through the chair, please.

Jim Fairlie: I am not convinced by Mr Mountain's arguments.

The Convener: Please continue, Mr Mountain.

Edward Mountain: I am sorry that I cannot convince Mr Fairlie of a practice that has been going on for many years across Scotland. That is one reason why I think that shooting rabbits and other wild mammals is not always appropriate, which may be something that the committee needs to consider.

I will also mention the issue of injured animals and the use of more than two dogs. I gave an example last week of a deer that had had its jaw shattered—tracking down the animal took, I think, four days. Using two dogs would have made that problem significantly more difficult. It is not that the dogs would have killed the deer; it would have been a question of cornering the animal and dispatching it. As members will know, if deer still

have their forelegs, they can survive for a considerable time.

I do not propose to make any comments on Colin Smyth's amendments, because I do not think that they are right, and I have said that before.

For clarity, I press amendment 69.

The Convener: The question is, that amendment 69 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 6, Abstentions 0.

Amendment 69 disagreed to.

09:35

Meeting suspended.

09:36

On resuming—

Amendment 10 moved—[Ariane Burgess].

The Convener: The question is, that amendment 10 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Minto, Jenni (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 10 disagreed to.

Amendment 11 moved—[Ariane Burgess].

The Convener: The question is, that amendment 11 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 11 disagreed to.

The Convener: Amendment 113, in the name of Colin Smyth, is grouped with amendments 124, 244 and 242.

Colin Smyth: Amendments 113 and 124, in my name, would require that “reasonable steps are taken” to ensure that dogs do not form a relay. Mounted hunts in England have been observed using multiple pairs of dogs, one after the other, to chase stags. Amendments 113 and 124 would help avoid a similar practice emerging here in Scotland by making it an offence.

It is crucial that we take the opportunity to ensure that the bill is as robust as it can be, including by pre-empting any possible consequences, which we have done in relation to trail hunting. It is 20 years since the Protection of Wild Mammals (Scotland) Act 2002 was passed by Parliament, and it is clear that there were far too many loopholes, which people have been allowed to exploit for far too long. This bill cannot be a continuation of business as usual; it must close the loopholes that still exist and it must not create new ones.

Amendment 242, in the name of Rachael Hamilton, seeks to alter the definition of the phrase “under control” to include any

“dog ... carrying out an activity for which it has been trained”,

which is quite different from the common understanding of the term. I am concerned that the amendment would change the definition of “control” throughout the entire bill, which would have worrying consequences. For a start, it would allow the dog to be out of sight and hearing, which I think would completely undermine the bill.

I move amendment 113.

Rachael Hamilton: Amendment 242 seeks to amend section 22 by adding a phrase that was included in the 2002 act in recognition of the fact that there will be, and will need to be, occasions when trained dogs—that is, working dogs—will be in situations in which it will not be possible to direct their activity by physical contact or by verbal or audible command. I am thinking of, for example, large areas of forestry, certain weather conditions or activities below ground. As they are trained working dogs, that does not mean that they are not “under control”. In addition, the committee also received evidence that, in some situations, it might be important that the person using the dog is not directing them by making a noise or engaging physically, as in the case of a dog below ground. As being “under control” is a key condition throughout the bill for all excepted activity to be lawful, it is essential that it is not defined in a way that could make exceptions unworkable, at least in situations in which the use of dogs is necessary.

I want to explain why I have lodged amendment 244, which seeks to define the term “pack” for the purposes of the bill. Last week, I asked the minister to put on record comments on the types of dogs that work on a rough shoot and on the specific point of dogs forming a pack. She responded by saying:

“for the purposes of the bill, a pack is defined: it is more than two dogs.”

Moreover, she was

“happy to put on the record”

her understanding

“that dogs that are generally used in rough shooting, such as gun dogs, are well trained and do not chase or form packs.”—[*Official Report, Rural Affairs, Islands and Natural Environment Committee, 7 December 2022; c 38.*]

However, I want to challenge the minister on that point, because I believe that she contradicted herself, hence the need for an amendment to determine the difference between dogs that form a pack, such as hounds, and gun dogs, which, as she clearly stated, do not form a pack. I have therefore lodged amendment 244 to ensure that the Scottish Government clarifies the definition of “pack” and recognises that gun dogs do not form a pack.

I hope that the amendment is helpful to the minister. If the minister would like to work with me on the definition, because she feels that it is an important clarification, I would be very happy to do so.

Mercedes Villalba: I support amendments 113 and 124, in the name of Colin Smyth, which seek to exclude relays as well as packs. In England, such practices have been observed being used as a loophole to continue mounted hunts, and it is important that we prevent such a loophole here.

I cannot support amendment 242, in the name of Rachael Hamilton, because its proposed definition of “under control” seems to defy any reasonable understanding of the phrase. I am also not minded to support amendment 244, given that it has been made clear throughout the passage of the bill that the definition of “pack” that we are working with relates to more than two dogs. I would be interested to hear the minister’s response, though.

Ariane Burgess: I support Colin Smyth’s amendments in this group, because it is prudent to require that reasonable steps be taken to ensure that dogs do not form a relay. As he has said, mounted hunts in England have been seen using several pairs of dogs one after the other to chase stags, and these amendments would help avoid similar practices being adopted here by making them an offence.

09:45

I do not support Rachael Hamilton’s amendments in the group. Amendment 244 defines the term “pack” in a way that excludes working gun dogs. Gun dogs are, simply, dogs that are trained to retrieve game. Apart from the problem of unambiguously defining what a working gun dog is—whether a dog is a “gun dog” and whether it was “working” at the time that it was hunting a wild mammal—that definition of “pack” would create yet another loophole, as those who are bent on hunting with packs of dogs would simply argue that they were using working gun dogs. To be frank, amendment 244 seems like an 11th-hour attempt to allow hunting with packs of dogs to continue, not in order to protect livestock or the environment but for sport and—

Rachael Hamilton: Will you take an intervention?

Ariane Burgess: —for human entertainment. That is unacceptable, and I cannot support amendment 244.

Rachael Hamilton: Will you take the intervention?

Ariane Burgess: I have concluded my comments.

The Convener: You can take an intervention if you want to.

Rachael Hamilton: I just want to get your thoughts on the points that were raised last week about rough shooting. You have said that working dogs could be used as a cover for other activities. How, in your belief, could a working gun dog be confused for a lurcher or a hound?

Ariane Burgess: As we discussed last week, and previously during the taking of evidence,

loopholes in the 2002 act were uncovered after the fact. I am concerned about allowing any space for any interpretation in any situation. People were very creative in interpreting the 2002 act, and I want to ensure that there are no loopholes in the bill. I believe that amendment 244 would potentially create a loophole.

Edward Mountain: I have listened carefully to the arguments. I am disappointed that Colin Smyth used the example of stag hunting south of the border. I am sure that he will be well aware that the last deerhound pack was disbanded in about 1920. It was based at Culachy, by Fort Augustus. Deer hunting with dogs is not done in Scotland. What we are talking about is forming a pack or a relay. We can discount stags for the reason that I have given.

I understand why the minister has put this provision in the bill, and I have made it clear that I do not support her on the issue of two dogs. However, as it appears that that will go through, I caution on the use of the word “relay”. If two dogs are following an animal, they cannot run all day, Mr Smyth, in the same way that I cannot run all day—in fact, my endurance and stamina are such that I can run for only short periods of time. Taking those dogs off a scent, and replacing them with dogs that are fresh on the scent, in order to flush the animal out of what may be a large woodland—as we have heard—is the appropriate thing to do. I cannot, therefore, support the amendments. I do not like the original wording in the bill but, if it is to remain, I ask the minister not to support the use of the words “or relay”.

Màiri McAllan: I will begin with Colin Smyth’s amendments 113 and 124, which were just being discussed. I understand why he has lodged those amendments. However, they are not necessary, and they could present practical problems.

The bill states that, unless a licence has been granted, only two dogs can be used to search for, stalk or flush a wild mammal. It is very clear about that. It also clearly sets out that, when a person uses two dogs for that activity, reasonable steps must be taken to shoot the wild mammal or have it killed by a bird of prey as soon as reasonably possible. That is a watertight set of circumstances.

Mercedes Villalba: Are you saying that you are confident that the use of a relay—two dogs, followed by two dogs, followed by two dogs—would be caught by the legislation and would not be permissible?

Màiri McAllan: When we use the term “relay”, we probably all have different views of what constitutes a relay. In the context of rough shooting, for example, it is permitted and lawful to use two dogs for the activity, but there could be another two dogs on a lead, or somewhere else,

that could be swapped in. Therefore, Edward Mountain's point about the dogs becoming exhausted in the course of a lawful activity is taken account of.

My point is that nobody should use a relay—albeit it that we do not have a definition of that—in order to deliberately prolong the flushing. The only instances that I have heard of are those that Colin Smyth and Ariane Burgess referred to, which involve a relay—if we can call it that—being used to chase stags or course hares, but—

Colin Smyth: Will the minister take an intervention on that point?

Màiri McAllan: I will, once I have finished the point. Those activities are already clearly prohibited by the bill.

Colin Smyth: As I read the bill, it would allow two dogs to be used, and those two dogs to be substituted by another two dogs, and then by another two dogs, potentially while chasing or flushing out the same wild mammal. Is that the case? Are you saying that two dogs cannot be substituted in the same area? That is not my interpretation of the bill.

Màiri McAllan: I do not think that the circumstances that Colin Smyth describes would ever arise. I described circumstances that involved dogs being on a lead, dogs being elsewhere and dogs being held back, which could be used as part of the activity if they were swapped in at a later date. There is no way that that could be done to pursue the same quarry—the same animal. Therefore, flushing could not be prolonged in that way.

As we discussed in the context of rough shooting, a person must only ever control two dogs at one time. There could be two dogs in the back of a Land Rover that could be got for the second half of the day, but it would not be possible for them to be swapped in with such speed that the same quarry could continue to be chased.

For those reasons, I cannot support Colin Smyth's amendments.

Rachael Hamilton's amendment 244 seeks to add to the bill a definition of a pack, which it defines as

“a group of two or more dogs trained for hunting, excluding working gun dogs”.

As she said, in previous committee sessions I have sought to make it clear that, for the purposes of the bill, a pack is more than two dogs. That is already explicit in the bill, and I do not think that any further definition is required.

I do not agree that there is a contradiction. The term “pack” means more than two dogs and can apply to any dogs. The issue of consistency of

approach throughout the bill is one that we discussed in a lot of detail at the committee's previous meeting. Therefore, I do not support any attempts to create different rules for different types of dogs. The bill is about regulating the use of all hunting dogs, regardless of the type of hunting that takes place. I have seen no evidence to justify an exception for gun dogs.

I have concerns not only about the substance of amendment 244 but about the way in which it is drafted. I think that Rachael Hamilton probably intended to refer to “more than two dogs” as constituting a pack, but the amendment says “two or more dogs”. In my view, two dogs do not constitute a pack; a pack consists of more than two dogs.

On the exclusion of gun dogs from the definition, it would be very difficult to establish whether a dog was a “working gun dog”. That phrase might be used in ordinary language, but it is not sufficiently clear in legislative terms. The definition risks creating a loophole that would allow people to circumvent the two-dog limit, which is a cornerstone of the bill. For those reasons, I cannot support amendment 244.

Rachael Hamilton's amendment 242 seeks to amend the definition of “under control” by reinstating wording from the 2002 act, whereby a dog is under control if it

“is carrying out an activity for which it has been trained”.

I think that Rachael Hamilton's intention is that that would apply to all circumstances in the bill.

One of the key principles in the bill is that, when dogs are used to search for, flush or stalk wild mammals, they must be under control. That is a cornerstone of the bill. The bill sets out that

“a person who is responsible for the dog is able to direct the dog's activity by physical contact or verbal or audible command”.

At the end of the day, dogs are animals, and even the best-trained dogs will sometimes react in an unexpected way. I do not accept that it is enough to simply rely on a dog to carry out an activity for which it has been trained. That would be the effect of the amendment if it were agreed to. We can imagine that, in extreme circumstances, a dog could be trained for purposes that we would not wish it to carry out. I fear that the amendment would significantly widen the definition of control, which is a key provision of the bill.

Colin Smyth: I am disappointed that there is no support for amendment 113. The purpose of the bill is to close loopholes that were left open by the Protection of Wild Mammals (Scotland) Act 2002 while avoiding any new loopholes. I believe that there is a potential loophole.

My amendments were designed to ensure that people who are hunting cannot, in effect, use multiple pairs of dogs, one after the other, to chase wild mammals. A relay would be needed only if those dogs were relentlessly pursuing a wild mammal over a long period of time. Excluding the word “relay” leaves that possibility open as a potential loophole that could be exploited.

I am not convinced that a second or a third pair of dogs substituting for the first are not likely to chase the same quarry, and I am unsure how that would be enforced. I am not convinced that a second or a third pair of dogs would not continue in the same area, effectively chasing the same quarry.

Màiri McAllan: I am sure that this is not intentional, but we need to be careful not to use the word “chasing”, as the bill makes it clear that it is unlawful for any dogs to chase or kill a wild mammal. The lawful activity is to flush, so we ought not to refer to chasing.

Colin Smyth: The minister may not like to refer to chasing, but that is the reality of what we are talking about in relation to the bill. That will happen—there is no question about that. The debate is about a pack of hounds or two dogs, but that is, in effect, what will happen. Whether the dogs are flushing out or chasing, the point has been made several times that two dogs could become exhausted over a period of time. The wild mammal that is being flushed out, chased or whatever could become exhausted, too. There is no animal welfare argument for substituting two dogs.

Màiri McAllan: I do not mean to interrupt, but we need to be absolutely clear. My point in response to Colin Smyth’s amendment was that I agree with him that we cannot have perpetual flushing, but the bill’s provisions—not least the two-dog limit—already account for that. Equally, as one of my colleagues has just pointed out to me, the bill already provides that, once flushed, the wild mammal must be shot or killed as soon as reasonably practical. The circumstances that Colin Smyth is narrating would therefore be unlawful under the bill.

Everything that we have done has been about trying to make those instances clearer to law enforcement officers where they arise and avoiding the difficulties that we had under the 2002 act. A lot of what Colin Smyth is describing is unlawful under the bill. That is why his amendment is not necessary.

Colin Smyth: That does not change the fundamental point that wild mammals escape. They are not always flushed out immediately, and they often run for cover elsewhere. In effect, what would be allowed to continue would be the

perpetual flushing out and chasing of animals over a period of time by allowing two dogs to be substituted.

The only circumstance that I can think of in which two dogs would be substituted would be over a long period of time. There is nothing in my reading of the bill that would not potentially mean that the same wild mammal could, in effect, be pursued by two dogs, a further two dogs and then a further two dogs. There is nothing in the bill that stops that happening, as far as I can tell. The fact that two dogs are seeking to flush out a wild mammal does not mean that the mammal will be successfully shot immediately. Further dogs could be used to continue to flush out that animal.

Edward Mountain: I think that you are getting confused between hunting and flushing. We are talking about using dogs to flush; we are not talking about hunting. You are giving the illusion that that would take place over miles of countryside. That is not what we are talking about. We are talking about putting dogs into cover to flush out a mammal so that it can be controlled. As Mr Fairlie has made positively clear, in thick cover in perhaps a 200-acre wood, people will probably need to consider replacing a dog as they are trying to flush out a mammal. I think that Mr Smyth is presenting an illusion that misrepresents the bill and what the minister is trying to achieve. However, I am sure that the minister does not need my support to clarify her position.

10:00

Colin Smyth: Mr Mountain’s comments about large areas of land probably support the point that I am making. He says that people would need more than two dogs over a period of time only in a large area of land, so he is making my argument.

Mr Mountain said in a previous comment that the issue in England is about stags and that we will not have that issue in Scotland. However, it does not matter what the mammal is—the same principle exists. It is crucial that the bill is as effective as possible in ensuring that we do not create new loopholes. I remain unconvinced about the need to use multiple groups of dogs, which is in effect what the bill will allow to continue. I do not understand why, if that is unlikely to be required in a particular area, we would allow it to continue under legislation.

Jim Fairlie: Will the member take an intervention?

Colin Smyth: I have just finished my comments, but I am happy to take an intervention.

Jim Fairlie: I am honestly not trying to be disrespectful, but the practicalities of what the member is talking about simply do not bear out in

reality. The minister has put in place adequate proposals to stop the kind of hunting that we all want to be banned—we do want it to be banned. I am not trying to be rude, but the idea that someone can stop a hunt halfway through, take out two dogs and put in another two is ludicrous. That would just never happen, because the practicalities would not allow it.

Colin Smyth: That probably backs up my case. If it will not happen, why are you concerned about the bill making it an offence? Mr Fairlie says that we will never get a situation where two dogs will be used and then substituted effectively by another two dogs. I do not agree with him, but, if that is the case, there is no reason at all why we should not close the potential loophole in the bill and make it an offence for that to happen in the first place. Why would you be concerned about that?

Jim Fairlie: Because—no, it does not matter. Okay.

The Convener: Do you want to press or withdraw the amendment, Mr Smyth?

Colin Smyth: I will press it.

The Convener: The question is, that amendment 113 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Minto, Jenni (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 113 disagreed to.

The Convener: Amendment 194, in the name of Beatrice Wishart, is grouped with amendments 195 to 202.

Beatrice Wishart (Shetland Islands) (LD): I will speak to amendments 194 to 202, all of which are in my name and which relate to landowner permission. In the bill as drafted, the requirement to get landowner permission for hunting with dogs is unclear to me in situations in which there are joint landowners for one piece of land or where a piece of land is split between multiple landowners. Where the bill currently states

“permission for the activity has been given by the owner of the land”,

my amendments 194, 196, 198, 200 and 201 would add the phrase

“or owners, as the case may be”.

My amendments 195, 197, 199 and 200 would add “avoidance of doubt” clauses that state that, if an activity takes place across land that is under more than one person’s ownership, permission

“must be given by each owner of the land on which the activity will take place.”

Taken together, the amendments capture both situations—joint land ownership and multiple landowners—and make it clear that each landowner must give permission for the activities to take place.

I move amendment 194.

Mercedes Villalba: I thank Beatrice Wishart for lodging her amendments, which I am minded to support. From what we have just heard, it sounds as though they will help to clarify the bill. I am interested in hearing whether there is any reason why the minister does not agree with them.

Màiri McAllan: I, too, thank Beatrice Wishart for her explanation of her amendments. I understand why she has lodged them and I support the intention behind them, but my view is that they are unnecessary and they should not be supported in order to avoid any inconsistencies.

I will explain why I do not support the amendments. Section 22 of the Interpretation and Legislative Reform (Scotland) Act 2010, which applies to the bill, sets out that, when interpreting legislation, we should take it that use of the singular includes the plural, and vice versa. That means that, in relation to the bill and Beatrice Wishart’s point, reference to the “owner” in each of the exceptions can be read as “owner or owners”, depending on the circumstances. There is no need to restate that, and doing so could cast doubt on other uses of the singular throughout the bill, such as references to “wild mammal”, for example. We want consistency in any singular including the plural, and vice versa.

I hope that that reassures Beatrice Wishart and Mercedes Villalba. The effects of the amendments are already built in, and any exception that was made in these circumstances could cast doubt on other references throughout the bill.

Mercedes Villalba: I understand what you have said about the singular including the plural as a default, minister. That relates to half of the intention of the amendments in the group, but the other half relates to the “avoidance of doubt” clauses to ensure that permission is sought for each owner of each section of land. I am not sure

that that point has been addressed by your comments about the singular including the plural.

Màiri McAllan: I apologise. I did not refer to that specifically because my point is that, given that the singular includes the plural, we do not need the “avoidance of doubt” clauses.

Beatrice Wishart: I thank the minister for her explanation. When I raised the issue, she took time to meet me to discuss it, and I am grateful for her explanation. Given what she has said, I am happy to seek to withdraw amendment 194.

Amendment 194, by agreement, withdrawn.

Amendment 70 moved—[Edward Mountain].

The Convener: The question is, that amendment 70 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 70 disagreed to.

Amendment 114 moved—[Colin Smyth].

The Convener: The question is, that amendment 114 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Minto, Jenni (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 114 disagreed to.

The Convener: I remind members that, if amendment 140 is agreed to, I will be unable to

call amendments 115 and 203 because of pre-emption.

Amendment 140 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 140 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 140 disagreed to.

The Convener: Does Colin Smyth wish to move amendment 115?

Colin Smyth: In light of the minister’s comments on discussing the wording of amendments 115, 121, 126 and 129, I am happy not to move amendment 115.

Amendment 115 not moved.

Amendment 203 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 203 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 203 disagreed to.

Amendment 71 moved—[Edward Mountain].

The Convener: The question is, that amendment 71 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 71 disagreed to.

Amendment 36 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 36 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 36 disagreed to.

Amendment 195 not moved.

Section 3 agreed to.

Section 4—Licence for use of more than two dogs in connection with section 3

Amendment 21 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 21 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)

Minto, Jenni (SNP) (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)

The Convener: The result of the division is: For 3, Against 6, Abstentions 0.

Amendment 21 disagreed to.

Amendment 191 moved—[Jim Fairlie].

The Convener: The question is, that amendment 191 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Villalba, Mercedes (North East Scotland) (Lab)

Abstentions

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

The Convener: The result of the division is: For 6, Against 1, Abstentions 2.

Amendment 191 agreed to.

Amendment 72 moved—[Edward Mountain].

The Convener: The question is, that amendment 72 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 72 disagreed to.

10:15

The Convener: I remind members that, if amendment 156 is agreed to, I will be unable to call amendment 204 because of pre-emption.

Amendment 156 not moved.

Amendment 204 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 204 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 204 disagreed to.

Amendment 205 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 205 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)

Abstentions

Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 6, Abstentions 1.

Amendment 205 disagreed to.

Amendment 22 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 22 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)

Villalba, Mercedes (North East Scotland) (Lab)

Abstentions

Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 6, Abstentions 1.

Amendment 22 disagreed to.

The Convener: I remind members that, if amendment 206 is agreed to, I will be unable to call amendment 23 because of pre-emption.

Amendment 206 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 206 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 206 disagreed to.

Amendment 23 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 23 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 23 disagreed to.

Amendment 157 moved—[Jim Fairlie].

The Convener: The question is, that amendment 157 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)

Against

Villalba, Mercedes (North East Scotland) (Lab)

Abstentions

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 5, Against 1, Abstentions 3.

Amendment 157 agreed to.

Amendment 116 moved—[Colin Smyth].

The Convener: The question is, that amendment 116 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Minto, Jenni (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 116 disagreed to.

Amendment 207 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 207 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 207 disagreed to.

The Convener: Amendment 243, in the name of Rachael Hamilton, is in a group on its own. I remind members that, if amendment 243 is agreed to, I cannot call amendments 208 and 158, which have already been debated in the licensing group, due to pre-emption. I call Rachael Hamilton to speak to and move amendment 243.

Rachael Hamilton: Amendment 243 would extend the period of time in which a 14-day licence could be used from 14 days to six months from the date on which the licence was granted. I listened to the minister's comments on my previous amendments in relation to the extension of the duration of time in which a 14-day licence could be used, and the amendment reflects some of the comments that were made and revises the period down from 12 months to six months.

To reiterate what I said previously about extending the period of time in which a licence can be used, it is important to acknowledge that the control of wild mammals is preventative and not simply a reactive method or a response to damage having been suffered. We must recognise that fox control is a year-round activity and that it is conducted using a variety of methods depending on factors such as the terrain and the time of year. Farming is not simply a hobby; it is a business that manages land and produces food. Much has been made of allowing businesses to carry out their role without overly bureaucratic diktat from pen pushers, ensuring that they can operate in as practical a way as possible.

I move amendment 243.

The Convener: As no members wish to speak, I call the minister.

Màiri McAllan: I am not sure that "bureaucratic diktat from pen pushers" is a reasonable way to describe the work of NatureScot and others, but I will leave that up to the member. Rachael Hamilton will probably not be surprised by my view on this, given that we debated the amendment that I lodged in the previous session. I said then that I had listened very carefully to the discussions on the licensing period during the committee's scrutiny.

When I spoke to amendment 158 last week, I said that I had come to the conclusion that allowing some flexibility around the period of time in which the licence's 14 days may be used was justified. That is why I lodged amendment 158—which, to remind the committee, would see the period of time for which a licence can be granted under section 4 be the original maximum 14 days, but within a period of six consecutive months.

Of course, I have considered Rachael Hamilton's amendment 243, which would allow the

licence to be granted for up to 28 days over six months, but I remain very much of the view that 14 days is the right number for the licence to cover. It allows sufficient flexibility to deal with changes to plans due to bad weather or other unforeseen events while not facilitating any more days of hunting over the period. Having spoken widely with stakeholders, I believe that 14 days is sufficient for the licensed predator control needs of most farms and that 28 days allows too many days of activity under a particular licence, given the very real need to maintain a tight control.

The Convener: Thank you, minister. I ask Rachael Hamilton to wind up and press or withdraw amendment 243.

Rachael Hamilton: As it stands, I believe that the bill limits the environmental benefit exception to situations in which the use of dogs—whether two dogs or more than two dogs under licence—is “part of a scheme”. It seems unnecessarily burdensome, given that land managers often undertake pest control to protect and enhance wildlife. I have no idea why they should have to come up with a scheme. The bill does not define what amounts to a scheme; it is not clear from the evidence sessions or from the documents accompanying the bill, but a scheme is currently conceived of in terms of the work of NatureScot, RSPB Scotland and other large bodies.

I am still concerned about the idea of a scheme. Most managers have a land management plan—is that a scheme? If they wish to use more than two dogs, what amounts to such a scheme? In terms of a licence for environmental benefit, surely it is sufficient that NatureScot should be happy that the use of more than two dogs is necessary and will make a significant contribution to environmental benefit.

With regard to the loss of biodiversity, it is strange that we would want anyone to discourage wildlife management that assists in nature recovery or to limit it to statutory bodies and charities when the vast majority of land is held and managed privately. If ministers are serious about reversing biodiversity loss and saving species such as the curlew and capercaillie, we must work with land managers, not against them, to ensure that, in such situations, livelihoods are protected and wildlife is managed in order to protect livestock.

I press amendment 243.

The Convener: The question is, that amendment 243 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

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

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

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 243 disagreed to.

The Convener: Amendment 208, in the name of Rachael Hamilton, has been debated with amendment 9. I remind members that, if amendment 208 is agreed to, I cannot call amendment 158 due to pre-emption.

Amendment 208 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 208 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 208 disagreed to.

Amendment 158 moved—[Màiri McAllan]—and agreed to.

Amendment 24 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 24 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

We missed the vote there. I will call the vote again. We are on amendment 24. Those supporting the amendment, please raise your hand now. Those voting against, please raise your hands now. Those members abstaining, please indicate now. *[Laughter.]*

Members, I would really appreciate it if you could make your votes as clear as possible.

Mercedes Villalba: I am sorry, convener—I got in a muddle. I thought that we were still on amendment 158. I realise that it is probably too late to change my vote, but can I just note that I would have opposed amendment 24?

The Convener: Your comments will appear in the *Official Report*.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the result of the division is: For 2, Against 7, Abstentions 0.

Amendment 24 disagreed to.

Amendment 209 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 209 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 209 disagreed to.

10:30

Ariane Burgess: Convener, I wish to put on the record that, on amendment 158, I would have voted no.

Amendment 159 not moved.

Amendment 210 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 210 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 210 disagreed to.

Amendment 160 moved—[Jim Fairlie].

The Convener: The question is, that amendment 160 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

Abstentions

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)

The Convener: The result of the division is: For 6, Against 0, Abstentions 3.

Amendment 160 agreed to.

Amendment 211 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 211 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 211 disagreed to.

Amendment 161 not moved.

Amendment 25 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 25 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 25 disagreed to.

Amendment 12 moved—[Ariane Burgess].

The Convener: The question is, that amendment 12 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Minto, Jenni (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 12 disagreed to.

Section 4, as amended, agreed to.

Section 5—Exception: management of foxes and mink below ground

Amendment 73 moved—[Edward Mountain].

The Convener: The question is, that amendment 73 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 73 disagreed to.

Amendment 74 moved—[Edward Mountain].

The Convener: The question is, that amendment 74 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 74 disagreed to.

Amendment 75 not moved.

Edward Mountain: I have not moved amendment 75 on the basis that I am not sure that my definition of a polecat meets the requirements. So, I am not going to move any of my amendments that relate to polecats.

Amendment 76 moved—[Edward Mountain].

The Convener: The question is, that amendment 76 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 76 disagreed to.

Amendment 162 moved—[Jenni Minto].

The Convener: The question is, that amendment 162 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 6, Against 3, Abstentions 0.

Amendment 162 agreed to.

Amendment 212 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 212 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 212 disagreed to.

Amendment 213 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 213 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)

Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 213 disagreed to.

Amendments 77 to 80 not moved.

Amendment 163 moved—[Jenni Minto].

The Convener: The question is, that amendment 163 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 6, Against 3, Abstentions 0.

Amendment 163 agreed to.

Amendment 214 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 214 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 214 disagreed to.

Amendment 215 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 215 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 215 disagreed to.

The Convener: I call amendment 117, in the name of Colin Smyth, which has already been debated with amendment 1.

Colin Smyth: In the light of the comments regarding the consistency of language and the use of the word “immediately” as opposed to, for example,

“as soon as reasonably possible”,

I will not move amendment 117 but might bring back an amendment at stage 3, because that point in the bill would benefit from clarity.

Amendment 117 not moved.

Amendment 118 not moved.

Amendment 81 moved—[Edward Mountain].

The Convener: The question is, that amendment 81 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 81 disagreed to.

Amendment 82 moved—[Edward Mountain].

The Convener: The question is, that amendment 82 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 82 disagreed to.

The Convener: Amendment 83, the name of Edward Mountain, has already been debated with amendment 1.

Edward Mountain: As amendment 83 refers to a polecat, I will not move it.

Amendment 83 not moved.

Amendment 84 moved—[Edward Mountain].

The Convener: The question is, that amendment 84 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 84 disagreed to.

Amendment 164 moved—[Jenni Minto].

The Convener: The question is, that amendment 164 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)

Against

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

Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 6, Against 3, Abstentions 0.

Amendment 164 agreed to.

Amendment 216 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 216 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 216 disagreed to.

10:45

Amendment 26 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 26 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 26 disagreed to.

Amendment 217 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 217 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 217 disagreed to.

Amendment 119 moved—[Colin Smyth].

The Convener: The question is, that amendment 119 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Minto, Jenni (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 3, Against 6, Abstentions 0.

Amendment 119 disagreed to.

Amendment 144 moved—[Colin Smyth].

The Convener: The question is, that amendment 144 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Minto, Jenni (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 144 disagreed to.

Amendment 218 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 218 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 218 disagreed to.

Amendment 27 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 27 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 27 disagreed to.

Amendment 219 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 219 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 219 disagreed to.

Amendment 28 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 28 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 28 disagreed to.

Amendment 196 not moved.

Amendment 220 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 220 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 220 disagreed to.

Amendment 85 moved—[Edward Mountain].

The Convener: The question is, that amendment 85 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 85 disagreed to.

Amendment 86 moved—[Edward Mountain].

The Convener: The question is, that amendment 86 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 86 disagreed to.

The Convener: I call Edward Mountain to move or not move amendment 87.

Edward Mountain: It is that polecat issue again, convener, so I will not move amendment 87.

Amendment 87 not moved.

Amendment 88 moved—[Edward Mountain].

The Convener: The question is, that amendment 88 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 88 disagreed to.

Amendment 165 moved—[Jenni Minto].

The Convener: The question is, that amendment 165 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 6, Against 3, Abstentions 0.

Amendment 165 agreed to.

Amendment 221 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 221 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 221 disagreed to.

Amendment 120 moved—[Colin Smyth].

The Convener: The question is, that amendment 120 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
 Villalba, Mercedes (North East Scotland) (Lab)

Against

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

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
 (Con)
 Minto, Jenni (Argyll and Bute) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 120 disagreed to.

Amendment 89 moved—[Edward Mountain].

The Convener: The question is, that amendment 89 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
 (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 89 disagreed to.

Amendment 90 moved—[Edward Mountain].

The Convener: The question is, that amendment 90 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
 (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 90 disagreed to.

Amendment 91 not moved.

Amendment 92 moved—[Edward Mountain].

The Convener: The question is, that amendment 92 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
 (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 92 disagreed to.

Amendment 166 moved—[Jenni Minto].

The Convener: The question is, that amendment 166 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (SNP) (Argyll and Bute) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
 (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 6, Against 3, Abstentions 0.

Amendment 166 agreed to.

Amendment 222 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 222 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
 (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 222 disagreed to.

The Convener: I remind members that, if amendment 29 is agreed to, amendments 121 and 223 will be pre-empted.

Amendment 29 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 29 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 29 disagreed to.

Amendment 121 not moved.

Amendment 223 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 223 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 223 disagreed to.

11:00

Amendment 37 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 37 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 37 disagreed to.

Amendment 224 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 224 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)

The Convener: The result of the division is: For 3, Against 6, Abstentions 0.

Amendment 224 disagreed to.

Amendment 197 not moved.

Amendment 122 moved—[Colin Smyth].

The Convener: The question is, that amendment 122 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Minto, Jenni (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 122 disagreed to.

The Convener: Does Edward Mountain wish to move amendments 93 to 96?

Edward Mountain: To help the committee, I will not move those amendments.

Amendments 93 to 96 not moved.

Amendment 167 moved—[Jenni Minto].

The Convener: The question is, that amendment 167 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

The result of the vote is six for, two against and one abstention, so the amendment has been agreed to.

Mercedes Villalba: Can we check that vote? I think that there might have been a delay on Microsoft Teams.

The Convener: I will run that vote again.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 6, Against 3, Abstentions 0.

Amendment 167 agreed to.

Amendment 225 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 225 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 225 disagreed to.

Amendment 13 moved—[Ariane Burgess].

The Convener: The question is, that amendment 13 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Minto, Jenni (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 13 disagreed to.

Section 5, as amended, agreed to.

Section 6—Exception: falconry, game shooting and deer stalking

Amendment 123 moved—[Colin Smyth].

The Convener: The question is, that amendment 123 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Minto, Jenni (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 123 disagreed to.

Amendment 145 moved—[Colin Smyth].

The Convener: The question is, that amendment 145 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)

Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
(Con)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 145 disagreed to.

Amendment 97 moved—[Edward Mountain].

The Convener: The question is, that amendment 97 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
(Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 97 disagreed to.

Amendment 124 moved—[Colin Smyth].

The Convener: The question is, that amendment 124 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
(Con)
Minto, Jenni (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 124 disagreed to.

Amendment 198 not moved.

Amendment 98 moved—[Edward Mountain].

The Convener: The question is, that amendment 98 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
(Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 98 disagreed to.

Amendment 125 moved—[Colin Smyth].

The Convener: The question is, that amendment 125 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
(Con)
Minto, Jenni (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 125 disagreed to.

The Convener: I remind members that, if amendment 141 is agreed to, I cannot call amendments 126 and 226.

Amendment 141 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 141 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
(Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 141 disagreed to.

Amendment 126 not moved.

Amendment 226 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 226 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 226 disagreed to.

Amendment 38 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 38 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 38 disagreed to.

Amendment 99 moved—[Edward Mountain].

The Convener: The question is, that amendment 99 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 99 disagreed to.

Amendment 227 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 227 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)

The Convener: The result of the division is: For 3, Against 6, Abstentions 0.

Amendment 227 disagreed to.

Amendment 199 not moved.

Amendment 100 moved—[Edward Mountain].

The Convener: The question is, that amendment 100 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)

Abstentions

Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 6, Abstentions 1.

Amendment 100 disagreed to.

Amendment 146 not moved.

Amendment 101 moved—[Edward Mountain].

The Convener: The question is, that amendment 101 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)

Abstentions

Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 6, Abstentions 1.

Amendment 101 disagreed to.

Amendment 102 moved—[Edward Mountain].

The Convener: The question is, that amendment 102 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)

Abstentions

Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 6, Abstentions 1.

Amendment 102 disagreed to.

11:15

Amendment 228 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 228 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)

Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Burgess, Ariane (Highlands and Islands) (Green)

The Convener: The result of the division is: For 8, Against 1, Abstentions 0.

Amendment 228 agreed to.

Amendment 14 moved—[Ariane Burgess].

The Convener: The question is, that amendment 14 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 14 disagreed to.

Section 6, as amended, agreed to.

After section 6

Amendment 142 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 142 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 142 disagreed to.

Amendment 143 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 143 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)

Abstentions

Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 6, Abstentions 1.

Amendment 143 disagreed to.

Amendment 168 moved—[Màiri McAllan].

Amendment 168A moved—[Rachael Hamilton].

The Convener: The question is, that amendment 168A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 168A disagreed to.

Amendment 168 agreed to.

Amendment 169 moved—[Màiri McAllan]—and agreed to.

11:19

Meeting suspended.

11:30

On resuming—

Section 7—Exception: environmental benefit

The Convener: Amendment 229, in the name of Rachael Hamilton, is grouped with amendments 170 and 31.

Rachael Hamilton: I have been quite vocal on this issue when we have discussed the exception for environmental benefit, both last week and in relation to some of the amendments that I have spoken to earlier today.

This is specifically about the application of the environmental benefit exception to situations where there is the use of dogs—whether two dogs or more than two dogs under licence—as part of a scheme. I reiterate that I believe that that requirement is unnecessarily burdensome given that land managers often undertake pest control to protect and enhance wildlife. Why should they have to come up with a scheme?

What amounts to a scheme is not defined in the bill, and it is not clear from the evidence sessions or the documents accompanying the bill that a scheme is currently conceived of in terms of the work of all the bodies that are responsible for delivering these licensing schemes. If the land manager wants to use two dogs for environmental purposes, that should possibly be part of the scheme. If they wish to use more than two dogs, what amounts to a scheme?

In terms of a licence for environmental benefit, surely it is sufficient that NatureScot is happy that the use of more than two dogs is necessary and will make a significant contribution to an environmental benefit. Again, at a time when we face the points that I have made in previous sessions regarding biodiversity loss, which is so important right now, and when we are trying to meet climate change targets, I believe that people should be encouraged and supported in relation to wildlife management in order to assist in nature recovery. If we want to reverse biodiversity loss and save iconic species, we must work with the individuals who manage Scotland's wildlife—at no cost to the public purse. The bill in its current form seems designed to make vital wildlife management harder, if not impossible, in many situations, therefore harming farmers and their livelihoods, and wildlife—not to mention the welfare of livestock.

I move amendment 229.

The Convener: I call the minister to speak to amendment 170 and the other amendments in the group.

Màiri McAllan: Amendment 170 is a technical amendment. As has just been discussed, the

exception under section 7 allows dogs to be used to control wild mammals for purposes that have an environmental benefit.

Section 7(2)(a) as drafted allows a person to use up to two dogs or more than two dogs under licence to search for, stalk, or flush wild mammals for the purpose of

“preserving, protecting or restoring a particular species”.

Amendment 170 inserts the words “for environmental benefit” at the end of that provision. Without the amendment, it would be possible for a person to use two dogs to manage wild mammals for the purposes of protecting a particular species, even if that would not amount to or result in an environmental benefit. The amendment is therefore required in order to make clear that the preservation, protection or restoration of a species must have an environmental benefit attached to it. Again, it is about consistency of expression.

I will not be supporting amendment 229, in the name of Rachael Hamilton. The reason for the inclusion of the word “scheme” in section 7 is that I believe that, where dogs are being used to control wild mammals for environmental benefit, it should be done to meet a specific objective as part of an overall plan, and not ad hoc. That is important not only for the purposes of section 7, but equally because it is linked to the issuing of licences on that basis. We must require a person to have a plan before they allow dogs to control wild mammals.

Likewise, I cannot support amendment 31, in the name of Rachael Hamilton, which is linked to amendment 229 and requires

“a definition of ... a scheme”,

although I note that it does not suggest one. Where a term is not specifically defined in the bill, it will rely on its ordinary meaning. A scheme means a plan, a design or a programme of action. It is not necessary to include a definition in the bill where a word simply takes on its ordinary meaning. The explanatory notes that accompany the bill set out that

“the requirement for a scheme means that the activity has to be planned and designed for one of the subsection (2) purposes.”

That activity could be anything from the larger-scale projects that we discussed last week— involving stoats on Orkney, for example—or an individual gamekeeper planning a deer cull. However, for any stakeholders who would like more clarity, I intend that further information about what constitutes a scheme for the purpose of applying for a licence under the section 7 exception will be set out in the licensing guidance that will be produced should the bill be passed. That information would be read across to the use

of the exception without a licence—that is, using up to two dogs.

For those reasons, I ask Rachael Hamilton not to press or move her amendments.

The Convener: As no other members wish to speak to amendments in this group, I invite Rachael Hamilton to wind up and say whether she wishes to press or withdraw amendment 229.

Rachael Hamilton: I agree that amendment 170 clarifies that

“preserving, protecting or restoring a particular species”

through controlling species predators can also be “for environmental benefit”. I believe that the minister’s amendments are in a similar vein to mine in this group. It is vital that we acknowledge the environmental benefits that can be conferred by allowing predators to be controlled in a suitable manner. I therefore urge other committee members to vote for the amendment, and I certainly support it.

On the minister’s comments regarding what constitutes a scheme, I welcome the fact that she will seek to clarify that in the planning and design of the licensing guidance. I will press amendment 229, because I believe that it is important to have that particular point in the text of the bill, and I urge other members to support the amendment.

The Convener: The question is, that amendment 229 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 229 disagreed to.

Amendment 170 moved—[Màiri McAllan]—and agreed to.

Amendment 31 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 31 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
(Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 31 disagreed to.

Amendment 147 moved—[Mercedes Villalba].

The Convener: The question is, that amendment 127 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
(Con)
Minto, Jenni (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 3, Against 6, Abstentions 0.

Amendment 127 disagreed to.

Amendment 147 moved—[Mercedes Villalba].

The Convener: The question is, that amendment 147 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
(Con)
Minto, Jenni (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 147 disagreed to.

Amendment 15 moved—[Ariane Burgess].

The Convener: The question is, that amendment 15 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
(Con)
Minto, Jenni (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 15 disagreed to.

Amendment 16 moved—[Ariane Burgess].

The Convener: The question is, that amendment 16 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
(Con)
Minto, Jenni (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 16 disagreed to.

Amendment 17 moved—[Ariane Burgess].

The Convener: The question is, that amendment 17 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
(Con)
Minto, Jenni (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 17 disagreed to.

Amendment 200 not moved.

Amendment 128 moved—[Mercedes Villalba].

The Convener: The question is, that amendment 128 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Minto, Jenni (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 128 disagreed to.

The Convener: Amendment 32, in the name of Rachael Hamilton, has already been debated with amendment 69. I remind members that, if amendment 32 is agreed to, I cannot call amendments 129 and 230.

Amendment 32 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 32 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 32 disagreed to.

The Convener: Amendment 129, in the name of Colin Smyth, has already been debated with amendment 69.

Mercedes Villalba: On behalf of Colin Smyth, and in light of the minister's comment that she will

work on this issue ahead of stage 3, I will not move amendment 129.

Amendment 129 not moved.

Amendment 230 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 230 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 230 disagreed to.

11:45

Amendment 39 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 39 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 39 disagreed to.

Amendment 201 not moved.

Section 7, as amended, agreed to.

Section 8—Licence for use of more than two dogs in connection with section 7

Amendment 171 moved—[Jim Fairlie].

The Convener: The question is, that amendment 171 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Minto, Jenni (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Burgess, Ariane (Highlands and Islands) (Green)

Abstentions

Villalba, Mercedes (North East Scotland) (Lab)

The Convener: The result of the division is: For 7, Against 1, Abstentions 1.

Amendment 171 agreed to.

Amendment 103 moved—[Edward Mountain].

The Convener: The question is, that amendment 103 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)

Abstentions

Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 6, Abstentions 1.

Amendment 103 disagreed to.

Amendment 231 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 231 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 231 disagreed to.

Amendment 232 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 232 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 232 disagreed to.

Amendment 33 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 33 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 33 disagreed to.

Amendment 233 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 233 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 233 disagreed to.

Mercedes Villalba: Apologies, convener—could I make another point of order? I abstained from the vote on amendment 171, but I should have supported that amendment. Can that be noted on the record?

The Convener: I do not think that we can change the vote, but that is on the record.

Amendment 34 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 34 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 34 disagreed to.

Rachael Hamilton: Can I make a point of order on amendment 171, for the record? I know that you cannot change the result of the vote, but I would have abstained.

Amendment 172 moved—[Jim Fairlie].

The Convener: The question is, that amendment 172 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (SNP) (Argyll and Bute) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)

Abstentions

Carson, Finlay (Galloway and West Dumfries) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Villalba, Mercedes (North East Scotland) (Lab)

The Convener: The result of the division is: For 6, Against 0, Abstentions 3.

Amendment 172 agreed to.

Amendment 130 moved—[Mercedes Villalba].

The Convener: The question is, that amendment 130 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
 Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Minto, Jenni (SNP) (Argyll and Bute) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 130 disagreed to.

Amendment 234 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 234 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 234 disagreed to.

Amendment 235 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 235 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
(Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 235 disagreed to.

Amendment 173 moved—[Jim Fairlie].

The Convener: The question is, that amendment 173 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

Abstentions

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
(Con)
Villalba, Mercedes (North East Scotland) (Lab)

The Convener: The result of the division is: For 6, Against 0, Abstentions 3.

Amendment 173 agreed to.

Amendment 236 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 236 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
(Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)

The Convener: The result of the division is: For 3, Against 6, Abstentions 0.

Amendment 236 disagreed to.

Amendment 18 moved—[Ariane Burgess].

The Convener: The question is, that amendment 18 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
(Con)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 18 disagreed to.

Section 8, as amended, agreed to.

After section 8

Amendment 62 moved—[Edward Mountain].

The Convener: The question is, that amendment 62 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
(Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 62 disagreed to.

Before section 9

Amendment 104 moved—[Edward Mountain].

The Convener: The question is, that amendment 104 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
(Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 104 disagreed to.

Section 9—Delegation of functions in relation to licences

The Convener: I call amendment 105, in the name of Edward Mountain.

Edward Mountain: I will not move the amendment because I did not understand the minister's answer.

Amendment 105 not moved.

The Convener: I call amendment 106, in the name of Edward Mountain.

Edward Mountain: Not moved for the same reason.

Amendment 106 not moved.

Amendment 19 moved—[Ariane Burgess].

The Convener: The question is, that amendment 19 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
 Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Minto, Jenni (Argyll and Bute) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 19 disagreed to.

Section 9, as amended, agreed to.

Section 10—Offence of providing false information to obtain a licence

Amendment 20 moved—[Ariane Burgess].

The Convener: The question is, that amendment 20 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
 Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Minto, Jenni (Argyll and Bute) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 20 disagreed to.

Section 10 agreed to.

After section 10

The Convener: I call amendment 107, in the name of Edward Mountain.

Edward Mountain: I will not move it, because it is consequential to an amendment that has already been rejected.

Amendment 107 not moved.

Section 11—Offences relating to trail hunting

The Convener: Amendment 174, in the name of Christine Grahame, is grouped with amendments 174A, 237 and 238.

Jenni Minto: On behalf of Christine Grahame, I move amendment 174.

Rachael Hamilton: There is a very good reason why Christine Grahame is not here to speak to her amendment, but I would have liked to hear what she had to say.

As she is not here, I will say that my amendment 174A would amend Christine Grahame's amendment on the laying of a scent. The inclusion of the word "reckless" in amendment 174 is excessively restrictive and unhelpful. It would adversely affect any type of hunting a scent, so much so that it might not be legally possible to lay a scent for dogs to follow with every confidence that they would not stray off that scent. The term "reckless" could easily be used and abused by anti-hunting or anti-shooting organisations. If the term were removed, I would be happy to support the rest of Christine Grahame's amendment, but she is not here to answer to that, which is slightly unfortunate.

12:00

Amendments 237 and 238 address trail hunting in the bill more broadly. I struggle to find any examples in the history of legislation where it was

proposed that a lawful activity should be banned on the basis that it might be used as a cover for any unlawful activity. Those amendments reflect that and amendment 237 would remove the provision for an outright ban on trail hunting. Section 12 would, therefore, not be necessary, so amendment 238 would remove it.

It is surprising that the penalty for an offence under part 2 of the bill will be set at the same level as that for the most serious welfare and wildlife crime offences. That seems disproportionate and fails to recognise the fundamental difference in the gravity of the offences.

Mercedes Villalba: I am grateful to Christine Grahame for lodging amendment 174, because it strengthens section 11 of the bill by placing a greater responsibility on those following scents. Therefore, I will not support amendment 174A, in the name of Rachael Hamilton, which would narrow the scope of amendment 174. Nor will I support amendments 237 or 238, in the name of Rachael Hamilton, because I am concerned that they could create a loophole for trail hunting.

Ariane Burgess: I speak in favour of Christine Grahame's amendment 174.

Trail hunting was invented in England after the Hunting Act 2004 was passed. It provides a loophole for hunting with packs to continue. Police Scotland told the committee that, if trail hunting were made illegal, it would certainly limit the opportunity for fox hunting, so the Government is right to ban it pre-emptively by making trail hunting an offence. However, we must also be alive to the potential loopholes in the exception for training a dog to follow an animal-based scent for a lawful purpose.

Christine Grahame's amendment 174 would ensure that anyone training dogs to follow a scent would need to take precautions and not allow the dogs to pursue a wild mammal. Further, they must not allow themselves to act recklessly. That is, they must not get into a situation in which they might foreseeably lose control of the dog, even if accidentally. That is crucial to ensuring that the ban on trail hunting is fit for purpose, which is crucial to helping to put an end to hunting with packs of dogs.

Màiri McAllan: I wish Christine Grahame well and will speak to the substance of her amendment, because I know that she will want to catch up with what is being discussed at the meeting.

Although I support the principle behind amendment 174 and understand Christine Grahame's desire to be vigilant in avoiding a loophole whereby people who wish to continue illegal hunting will use drag hunting as a cover, I have some reservations about the amendment.

First, the wording that relates to reckless conduct, to which Rachael Hamilton spoke as well, is misaligned with the rest of the bill. That goes to the heart of what we seek to avoid. Moreover, regulating the use of dogs to find and follow a non-animal-based scent, including human scents, was not included in the bill, as it does not directly—or, indeed, indirectly—involve the use of dogs to hunt a wild mammal, which is what the core purpose of the bill relates to.

Unlike with trail hunting, we do not have evidence to suggest that drag hunting is being used as a cover for illegal hunting. Neither do we have evidence that wild mammals are accidentally being chased or killed during the course of drag hunting. However, members might say “yet”. That speaks to some of the other members' contributions.

I understand the concerns that, if the bill is passed as introduced, people who are intent on illegal hunting might try to use drag hunting as a cover. I agree that we cannot rule that out entirely, although we hope that it will not be the case. However, as the bill is drafted, if a person is undertaking drag hunting—or clean-boot hunting, as it is sometimes called—and allows their dog to chase or kill a wild mammal without taking reasonable steps to prevent that from happening, they will commit an offence under section 1 of the bill.

Weighing all of that up, although I cannot support Christine Grahame's amendment 174, I will continue to keep the subject—the potential risks and possible solutions—under review as we move towards stage 3. Ms Grahame and I discussed last week that we would meet before stage 3 to discuss her other amendments, and I propose to discuss this matter with her then.

On amendments 237 and 238, in the name of Rachael Hamilton, section 11 creates a new offence in relation to trail hunting, while section 12 provides an exception to that. Amendment 237 seeks to remove section 11, with the effect that trail hunting would not be prohibited. As I have set out at various points during the scrutiny of the bill, trail hunting poses a significant risk to wild mammals, and I note that 70 per cent of respondents to our consultation supported a ban on it.

We know that trail hunting can have significant risks for animal welfare. Dogs that have been trained to follow an animal-based scent can be diverted from a laid trail on or near to a natural trail and start chasing and killing wild mammals. That is exactly what we want to stop. A ban on trail hunting is supported by animal welfare groups including the Scottish Animal Welfare Commission and the Scottish SPCA.

Our other reason for pursuing a ban is that trail hunting has emerged as a cover for illegal hunting in other countries. In that regard, I point to Lord Bonomy's report, which says:

"it is worthy of note that the way in which some mounted hunts now operate in Scotland and the practice by mounted hunts of trail hunting in England and Wales have both given rise to suspicion that organised mounted hunts have continued to hunt foxes with a pack of hounds in contravention of the legislation."

Finally, on the points that have been made about laying an animal-based scent for dogs to follow and about training, I recognise that some people might have legitimate reasons for laying such a scent—for example, to train police dogs or dogs that are used to manage deer or search for invasive species. That is why the bill includes provisions to allow those activities to continue, subject, of course, to the two-dog limit and other conditions.

For all the reasons that have been stated, I cannot support the amendments.

Mercedes Villalba: Is the minister able to take an intervention?

The Convener: If she is willing to do so, yes.

Màiri McAllan: I am happy to, convener.

Mercedes Villalba: I am grateful. Minister, on amendment 174, in the name of Christine Grahame, did you say that you would look again at the issue ahead of stage 3, with a view to Christine Grahame bringing an amendment back at that stage, or are you ruling out any amendment that seeks to exclude the specific situation in which a person

"in the course of any activity involving the laying of"

a

"scent ... allows a dog to hunt a wild mammal"?

Màiri McAllan: I am saying that I cannot support the amendment as it stands and that, between now and stage 3, I would like to have the opportunity to consider the risk, the extent of any risk and any possible solutions that we can put in place if we establish that there is such a risk. However, I cannot commit to anything further today, because that work still needs to be done.

The Convener: I call Jenni Minto to wind up on amendment 174 on behalf of Christine Grahame and to indicate whether she wishes to press or withdraw the amendment.

Jenni Minto: I, too, wish Christine Grahame a speedy recovery. On her behalf, I thank the minister for her comments and her willingness to meet Ms Grahame to discuss her amendments, and this amendment in particular, prior to stage 3. I am sure that Ms Grahame will also appreciate the comments that other members have made.

Given that, convener, I seek leave to withdraw amendment 174.

Amendment 174, by agreement, withdrawn.

Amendment 237 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 237 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 237 disagreed to.

Section 11 agreed to.

Section 12—Exception: training dogs to follow an animal-based scent

Amendment 202 not moved.

Amendment 238 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 238 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)

The Convener: The result of the division is: For 3, Against 6, Abstentions 0.

Amendment 238 disagreed to.

Section 12 agreed to.

Before section 13

The Convener: Group 7 is on enforcement and proceedings. Amendment 175, in the name of the minister, is grouped with amendments 176 to 179,

40, 41, 192, 42, 108, 43 to 49, 109, 193 and 50 to 56.

Màiri McAllan: Amendment 175 introduces powers for a constable to stop and search a person without warrant where that constable has

“reasonable grounds for suspecting that a person has committed or is committing an offence”

under the bill. It includes powers for a constable to “search or examine any thing found in the course of a search”

and to

“seize any thing found in the course of a search”.

Where a constable has reasonable cause to suspect that a person has committed an offence under the Protection of Wild Mammals (Scotland) Act 2002 and to suspect that evidence of the offence is to be found on the person, section 7 of the 2002 act allows them to stop and search the person in question.

Of course, stop and search powers should not be conferred lightly. However, having reflected on comments that were made by the police at stage 1 of the bill’s progress through the Parliament, and having considered the powers that are available to the police under other legislation on wildlife, we consider it appropriate to include in the bill powers for the police to stop and search a person on similar terms to those in the 2002 act.

Amendments 177 to 179, in my name, change the test in the bill’s schedule for empowering a constable to enter premises from one where that constable has reasonable grounds for “believing” that a relevant offence has been committed to one where they have reasonable grounds for “suspecting” that such an offence has been committed.

Section 13 of the bill introduces the schedule that makes the provision about the powers for constables. Currently, there are powers for constables to enter premises together with powers associated with entry, including those of search and seizure. Amendments 177 to 179 make minor adjustments to the schedule so that the wording of the tests for entry and seizure of items is consistent with that for the stop and search powers.

I could move on to speak to other members’ amendments—

Edward Mountain: You have explained that you want to substitute “suspecting” for “believing”. I want to understand why that is. I appreciate that you want to do so, but I do not understand why.

Màiri McAllan: It is exactly as I said in my previous point: it is to achieve consistency of language with the stop and search powers that we

are introducing and so that those powers mirror what is in the 2002 act.

Edward Mountain: Did you say that you are introducing such powers or that you have introduced them? Are you bringing in something new here, or is this being done to reflect something that is already in place? If you are bringing in something new to reflect what you might be doing in the future, I would be a little concerned about whether that was the right way to make legislation.

Màiri McAllan: The stop and search powers, which are reflected in the first of the amendments that I introduced, would be new. I am introducing them on the basis of stage 1 evidence from the police and to bring the legislation into line with the 2002 act.

The second suite of amendments that I am introducing, which include the element of changing “believing” to “suspecting”, concern powers that were already in the bill. The amendments involve ensuring that there is consistency of language with the new stop and search powers, which I propose the committee should vote on today.

Edward Mountain: Okay. I am still not clear that I understand the difference between “believing” and “suspecting”, but perhaps I could be informed of that afterwards rather than waste the committee’s time.

Mercedes Villalba: I, too, have a couple of questions relating to those amendments.

Amendment 175 would empower a constable to stop and search without a warrant. Will you outline whether such a power is typically provided for in Scottish Government legislation? Is it quite a standard power or is it exceptional? What has led you to make that decision? At first glance, it seems as though it could be a little heavy handed and open to being exploited.

12:15

Màiri McAllan: I appreciate that, which is why I said that we would not confer stop and search powers lightly. However, I have a couple of points. The first is that this is consistent with other wildlife legislation. I am happy to provide examples afterwards, if that would be helpful by giving peace of mind.

I am looking through my notes to find the evidence that was given by Detective Telford, who said:

“we were just looking for a bit of clarity around that, as there is nothing in the bill. At present, the powers that are afforded by the Protection of Wild Mammals (Scotland) Act 2002 and the Wildlife and Countryside Act 1981, and other wildlife crime legislation, are really effective. That legislation

affords us a power to search persons, which is key in gaining evidence of offences.

To go back to hare coursing, for example, that power allows us to take people's phones in order to get potential evidence, such as footage, from them. We hope that the powers that we will be afforded in the bill will be similar to those in the current legislation.—[*Official Report, Rural Affairs, Islands and Natural Environment Committee*, 22 June 2022; c 18.]

That is a reference to the stop and search powers.

Mercedes Villalba: So, this is about consistency with previous legislation.

The Convener: Please direct your comments through the chair to make it easier for the official report, instead of having a conversation across the committee room. I would appreciate that.

Mercedes Villalba: I am sorry. May I ask a follow-up question?

The Convener: Will the minister take an additional intervention?

Màiri McAllan: I am happy to, convener.

Mercedes Villalba: Thank you, minister. Will you outline the Scottish Government's understanding of the difference between believing and suspecting?

Màiri McAllan: I think that I should follow up with you about that. The reason why I think that the amendments are important and have asked the committee to support them today is that I am conscious that we are introducing a new stop and search power, and I want consistency of language between that new stop and search power—if it is agreed to—and the powers of seizure. That is why I am asking the committee to support that today, but I can certainly come back with anything that you would like to know about the difference between believing and suspecting.

Mercedes Villalba: Thank you.

Màiri McAllan: If you do not mind, convener, I will move on to amendments 40 to 56, in the name of Rachael Hamilton, which would remove the ability of the court to make a deprivation order in relation to any horse used in, or present at, the commission of an offence.

Deprivation and disqualification orders can be granted only when a person is convicted of the offence in relation to hunting with dogs or trail hunting. Therefore, they apply to a dog or a horse that is used in, or present at, the commission of the offence. In that regard, the bill makes provision that is similar to the existing disqualification orders in section 9 of the Protection of Wild Mammals (Scotland) Act 2002.

The rationale for including horses within the scope of deprivation orders is to ensure that anyone who is convicted of a relevant offence is

deprived of the tools that were used in the commission of that offence. The intention is to limit the ability to reoffend and to act as a deterrent to unlawful activities under the bill.

I should make it clear that we have not singled out the use of horses. The schedule on enforcement powers in the bill allows for the seizure of vehicles to provide evidence of the commission of an offence, and such a vehicle may be forfeited in accordance with part 2 of the Proceeds of Crime (Scotland) Act 1995. Therefore, if a person uses a quad bike or a similar vehicle, there is also a route for that to be forfeited. Horses and dogs are mentioned explicitly in the bill because they are sentient beings and we believe that additional safeguards are required when making orders to remove them.

On amendments 192 and 193, in the name of Ariane Burgess, I agree with her that the welfare of a horse or a dog should clearly be an important factor when a court is considering the imposition of a deprivation order, so I very much support the principle of the amendments. However, I would like to take the opportunity to ensure that they work alongside other, more general provisions for the operation of deprivation orders. Therefore, I ask Ariane Burgess not to press her amendments today. I would then work with her on an amendment ahead of stage 3.

Amendment 108, in the name of Edward Mountain, would restrict the use of deprivation orders so that they could be applied only when the court is satisfied that they are

“necessary in order to prevent the future use of the dog or horse in the commission of a relevant offence.”

I think that that sets an unworkably high bar for the courts. We must all ask ourselves how the court would know whether the dog or the horse would be used in a future offence.

In addition, the amendment would restrict the court's discretion in respect of the circumstances in which a deprivation order could be made. As an aside, it would also create an inconsistency, given that the requirement would not apply to other uses of a deprivation order—for example, when dogs are seized in badger baiting. For that reason, I will not support the amendment.

Amendment 109, in the name of Edward Mountain, seeks to amend section 17 of the bill to limit the period for which a disqualification order may be granted to 18 months for a first conviction, three years for a second conviction and, for a third conviction,

“such period as the court may determine”.

Again, we are getting into the territory of unnecessarily and unjustifiably fettering the court's discretion in considering the appropriate period of

time for which a disqualification order should take effect. There may be circumstances in which the court should be able to make an order for a long period of time. I would not want to impinge on that, so I cannot support amendment 109.

I move amendment 175.

Rachael Hamilton: As the minister said, amendments 40 to 56 seek to remove reference to horses in relation to a deprivation order. Although it would be fair to say that dogs are an essential ingredient of the offence of hunting a wild mammal using a dog, it would not be fair to say that that applies to horses. If a horse can be the subject of a deprivation order, why does that particular section of the bill not refer to a quad bike or, indeed, to those on foot? The minister has not addressed that inconsistency, despite her attempt to reassure committee members that the schedule provides for the seizure of vehicles. That is covered in another part of the bill, which is inconsistent. No explanation has been given for the inclusion of horses in that section of the bill or for the exclusion of quad bikes or, for that matter, footwear. I fail to see any justification for the inclusion of horses, and I therefore seek, through these amendments, to remove reference to them in the bill.

With regard to the minister's amendment 175, she says that there is evidence from Police Scotland but, with regard to police powers, the committee heard only opinion from Billy Telford, and not evidence. I would be grateful if the minister could give us a reference for the particular piece of evidence that she was citing in that regard. I also ask the minister whether a deprivation order includes the prevention of possession, sale or transport of an animal in that particular situation.

Ariane Burgess: My amendments 192 and 193 are straightforward. They would simply add that, if a court convicts a person of a relevant offence and makes a deprivation order or a seizure order that affects the person's dog or horse, any so-called "disposal" of that dog or horse

"must take into account the need to ensure"

its welfare.

I did not lodge amendments that would seek to add that requirement to the destruction option because sections 16 and 18 already state that a court cannot order the destruction of a dog or a horse

"unless it is satisfied, on evidence provided ... by a veterinary surgeon, that destruction would be in the interests of the"

animal.

I want to note on record that it is appalling that activities such as fox hunting may feasibly result in

destruction being in the best interests of a dog or horse and that such activities are able to continue.

I thank the minister for offering to work with me at stage 3 to ensure that my amendments to the sections on deprivation and seizure orders would work alongside other such orders, so I will not move my amendments. I look forward to working with the minister at stage 3.

Edward Mountain: I am somewhat disappointed that Ariane Burgess will not be moving her amendment, because I would perhaps agree with it. I will explain why. That is because, when a dog or a horse is taken out to undertake an illegal activity, that is not the choice of the dog or horse—it is the individual's choice. The horse has no choice when someone puts a saddle and a bridle on it and takes it out to ride. In exceptional circumstances, the person may have no control of the horse, but, in most circumstances, they will. The horse cannot say that it does not want to go and nor, for that matter, can a dog. As a result, I would disagree with the argument that dogs that have been used for badger baiting are automatically bad; I would say that it is the owner who is bad and that it is the sentient animal that does not have a choice.

I am surprised that the minister has stated that she is unable to support my amendments, because they seem to me to bring some reasonableness into the argument over what to do with a horse or a dog in the event of a deprivation order being made. I believe that a high bar needs to be put in place to ensure that the animal is not removed, for the very same reason that Ariane Burgess has said that she does not want those animals—those horses or dogs—to be destroyed.

I lodged amendment 109 for the simple reason that I am a firm believer in rehabilitation rather than pure retribution. As a result, I would like timescales to be put in place with regard to an owner's ability to get their horse or dog back, just as we do when people commit what is in my opinion the heinous crime of dangerous driving. Those people are given the chance to get their licence back at a later stage. I think that, in the case of dogs, we should allow a person to get their licence back, too. However, what the minister is saying in the bill is that they might never have the chance to get that animal back or to have a dog in the future. I think that that is cruel, given that people look to and love their dogs and might well have learned their lesson. Therefore, I think that the approach that is being taken is wrong.

I was interested to hear the minister's comparison with the ability to remove a quad bike or a car from someone who has committed an offence. The fact is that a car is seldom removed from someone who has been convicted of drink driving; it is up to the driver to dispose of it. In fact,

the driver can hold on to their car and even keep it in the garage until they get their licence back.

In this instance, however, the minister is suggesting that a dog or a horse be removed. I think that that is retribution rather than rehabilitation, and that is why I lodged these particular amendments. I ask the committee to consider very carefully the effects of removing somebody's pets, which might have been used improperly or misused in the past but which could be used properly and loved in future. I make a strong plea on that, because I think that we are taking it the wrong way round.

Mercedes Villalba: On amendments 175 to 179, in the name of the minister, I am not persuaded by her remarks, but I appreciate her commitment to sharing further information ahead of stage 3—although I am not sure whether it is being shared with me or with the whole committee. On that basis, I ask the minister not to press amendment 175 or to move the other amendments, so that we can vote on them when we have a full explanation in front of us. However, if she seeks to do so, I ask members not to support the amendments.

Màiri McAllan: The amendments in my name are technical in nature and essentially reproduce the police powers of enforcement under the 2002 act. On the basis of Police Scotland's evidence to the committee, which I was able to narrate earlier, I support in principle Ariane Burgess in seeking to bolster animal welfare during the forfeiture of horses and dogs, and I look forward to working with her on that. However, I do not support any amendments that would fetter the court's discretion in imposing deprivation orders. I absolutely take on board Edward Mountain's comments on rehabilitation, but such issues have to be taken into account by the court, which will be best placed to decide on all of that in light of the circumstances of the case.

Rachael Hamilton: Just for the record, when the minister talks about the evidence, is she referring to Detective Sergeant Telford's opinion or other evidence from Police Scotland?

Màiri McAllan: The detective was representing Police Scotland when he gave that evidence to the committee. Moreover, I do not think that we would discount any other evidence that the committee has taken as only "opinion"; it has been given as and constitutes evidence to the committee.

Rachael Hamilton: Can you cite that evidence now?

Màiri McAllan: Convener, I have read out what the detective said.

Rachael Hamilton: So, that is the actual evidence that you are citing.

Màiri McAllan: Yes.

Rachael Hamilton: Okay. Thank you.

12:30

The Convener: The question is, that amendment 175 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Abstentions

Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 5, Against 2, Abstentions 2.

Amendment 175 agreed to.

Section 13—Powers of enforcement

Amendment 176 moved—[Màiri McAllan].

The Convener: The question is, that amendment 176 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

Against

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

Abstentions

Carson, Finlay (Galloway and West Dumfries) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 5, Against 1, Abstentions 3.

Amendment 176 agreed to.

Section 13, as amended, agreed to.

Schedule—Enforcement powers

The Convener: I invite the minister to move amendments 177 to 179 en bloc.

Amendments 177 to 179 moved—[Màiri McAllan].

The Convener: Does any member object to a single question being put on amendments 177 to 179?

As no member objects, the question is, that amendments 177 to 179 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Abstentions

Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 5, Against 2, Abstentions 2.

Amendments 177 to 179 agreed to.

Schedule, as amended, agreed to.

Sections 14 and 15 agreed to.

Section 16—Deprivation orders

Amendment 40 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 40 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 40 disagreed to.

Amendment 41 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 41 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 41 disagreed to.

Amendment 192 not moved.

Amendment 42 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 42 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 42 disagreed to.

Amendment 108 moved—[Edward Mountain].

The Convener: The question is, that amendment 108 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)

Abstentions

Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 6, Abstentions 1.

Amendment 108 disagreed to.

Amendment 43 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 43 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 43 disagreed to.

The Convener: I invite Rachael Hamilton to move amendments 44 to 49 en bloc.

Amendments 44 to 49 moved—[Rachael Hamilton].

The Convener: Does any member object to a single question being put on amendments 44 to 49?

As no member objects, the question is, that amendments 44 to 49 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendments 44 to 49 disagreed to.

Section 16 agreed to.

Section 17—Disqualification orders

Amendment 109 moved—[Edward Mountain].

The Convener: The question is, that amendment 109 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 109 disagreed to.

Section 17 agreed to.

Section 18—Seizure orders where disqualification breached

Amendment 193 not moved.

Sections 18 and 19 agreed to.

Section 20—Appeals against orders

The Convener: I invite Rachael Hamilton to move amendments 50 to 56 en bloc.

Amendments 50 to 56 moved—[Rachael Hamilton].

The Convener: Does any member object to a single question being put on amendments 50 to 56?

As no member objects, the question is, that amendments 50 to 56 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendments 50 to 56 disagreed to.

Section 20 agreed to.

Section 21—Ancillary provision

The Convener: Amendment 239, in the name of Rachael Hamilton, is grouped with amendments 240 and 241.

Rachael Hamilton: Amendments 239 to 241 seek to address the Law Society of Scotland's concerns with regard to the provisions allowing ministers to amend the legislation or any enactment in the future, subject to a positive resolution from the Parliament. It is felt that these powers are too extensive and, on the requirement for the affirmative procedure to be used, there is no substitute for the full debate and scrutiny that primary legislation receives. In its evidence to the committee, the Law Society of Scotland told us that, at the very least, there should be some requirement for consultation, and it was felt that concerns about the extent of the ministerial powers that were being sought were not properly reflected in the committee's stage 1 report. My amendments therefore seek to remove these ministerial powers to allow for proper debate of any further amendments to the legislation.

I move amendment 239.

Màiri McAllan: I thank Rachael Hamilton for explaining her amendments, which ultimately would amend the bill so that regulations could not modify any enactment, including the bill itself once passed.

As with any body of law, the bill might give rise to the need for a range of ancillary provisions. The power in the bill is a standard provision that is contained in many acts of the Scottish Parliament. It is not, as has been suggested, wide. In fact, the power itself has been limited in the bill, because ministers will be able to exercise it only as

"they consider appropriate for the purposes of, in connection with or for giving full effect to"

any of the bill's provisions. It goes no wider than that.

That said, the power is necessary, for example, to ensure a smooth transition from the 2002 act to the new provisions in the bill, including the removal of references to the 2002 act. After 20 years, such references are, as you will imagine, numerous. The power will also allow Scottish ministers to make further changes, should there be any unforeseen issues with the operation of the new legislation.

On a practical level, without this power, it would be necessary to bring forward primary legislation

every time that we needed to deal with technical, operational or implementation matters. Albeit that it is not a decision for me, I do not think that that would be an effective use of the Parliament's resources. Moreover, having to wait for primary legislation to become available in order to make amendments could result in the statute book being out of date.

Finally, I would also highlight that section 21 requires regulations that

"add to, replace or omit any part"

of an act to be subject, as Rachael Hamilton has said, to the affirmative procedure. I think that that provides an appropriate level of parliamentary scrutiny, and it is, of course, typical of ancillary powers provisions. Moreover, I point out for the record that the Delegated Powers and Law Reform Committee made no comments on the inclusion of this particular power in the bill. I think that section 21 is important and I therefore cannot support the amendments.

The Convener: I call Rachael Hamilton to wind up and to indicate whether she wishes to press or withdraw amendment 239.

Rachael Hamilton: I have no further comments, and I will press the amendment.

The Convener: The question is, that amendment 239 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 239 disagreed to.

Amendment 240 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 240 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 240 disagreed to.

Amendment 241 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 241 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 241 disagreed to.

Section 21 agreed to.

Section 22—Interpretation

Amendment 244 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 244 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 244 disagreed to.

Amendment 242 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 242 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 242 disagreed to.

Section 22 agreed to.

12:45

Section 23—Repeal of the Protection of Wild Mammals (Scotland) Act 2002 and consequential modifications

The Convener: Amendment 180, in the name of the minister, is grouped with amendments 182 to 190.

Màiri McAllan: The amendments in this group are technical. Amendment 180 refers to section 23 of the bill, which, as drafted, deals with the repeal of the 2002 act. Amendment 180 would remove sections 23(2) and 23(3) of the bill, which amend the statutory list of offences that are subject to disclosure, by replacing references to the Protection of Wild Mammals (Scotland) Act 2002 with references to offences under this bill.

However, since the introduction of the bill, there have been developments in relation to bringing forward the changes made by the Disclosure (Scotland) Act 2020 to that list of offences. Regulations have been laid before Parliament and are due to come into force on 19 December that will repeal and replace the provisions referred to in the bill, in line with the changes that will be made by the Disclosure (Scotland) Act 2020. Therefore, the provisions that were previously in sections 23(2) and 23(3) of the bill are no longer required, owing to that separate legislative change.

Amendments 182 to 190 are equally technical. They simply change nine references to “Her Majesty” in the bill to “His Majesty”. They do not change the effect or meaning of any of the provisions in the bill.

I move amendment 180.

Amendment 180 agreed to.

The Convener: Amendment 181, in the name of the minister, is grouped with amendment 57.

Màiri McAllan: Amendment 181 is another technical amendment. Section 17 of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 places an obligation on Scottish ministers to publish and lay before the Scottish Parliament, within five years of its coming into force, a report setting out an assessment of the steps that have been taken to ensure information sharing in relation to certain persons, and the steps that ministers are taking to further progress such information sharing. The persons that are to be the subject of the report include those who have been convicted of an offence under the Protection of Wild Mammals (Scotland) Act 2002.

Amendment 181 removes section 23(4)(a) from the bill. That section removes the reference to the 2002 act in section 17 of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020. However, despite the fact that the bill will repeal the 2002 act, I now consider that the reference to it should remain, simply in order to ensure that the reporting requirements under the 2020 act capture any persons with previous convictions under the 2002 act. We are trying to ensure continuity in that regard.

Rachael Hamilton's amendment 57 inserts a duty on ministers to prepare a report to be published and laid before Parliament within one year of the commencement of section 1 of the bill and states that the report must set out the impact of the act on the cultural heritage associated with hunting with dogs and other points.

I do not support the amendment, as I do not believe that it is necessary or relevant for the Scottish Government to produce a report on the matters that are explicitly set out in the amendment. The Scottish Government, as a matter of course, will always seek to monitor and evaluate the impact of any new policies or legislation that is passed. However, the amendment would introduce a duty to report on things that are not within the remit of the bill.

As we have discussed at length, the bill was introduced to address widespread concerns that foxes and other wild mammals are being hunted and killed by dogs in contravention of the 2002 act. There is nothing in the bill about the cultural heritage associated with hunting with dogs; it is about preventing dogs from being used to kill and chase mammals, which has been illegal for 20 years.

Animal welfare legislation, such as the Animal Health and Welfare (Scotland) Act 2006, ensures the health and welfare of protected animals,

including dogs. As part of the process of developing the bill, the Scottish Government undertook all of the statutory impact assessments, including an equality impact assessment and a business regulatory impact assessment, which I think should give Rachael Hamilton comfort on some of the issues that she raises. For those reasons, I will not support her amendment.

I move amendment 181.

Rachael Hamilton: I thank the minister for her comments. I believe that the duty to report is an important aspect of all legislation. I hope that the minister would agree that the provisions could have a significant impact, not on things that are specifically in the remit of the bill but as a consequence of the reforms of the 2002 act.

Although I have reflected on whether my amendment is overly prescriptive, I believe that there could be an impact on the matters that I have set out in the amendment, such as jobs and livelihoods, and that there could be biodiversity loss or negative environmental consequences. I do not think that we should underestimate the impact that the bill could have on cultural heritage.

I kind of agree that my amendment could be overly prescriptive. I will bring it back at stage 3. I will withdraw it at this stage, if I may, and will reconsider it on the basis that the minister has stated that the impact will be considered in the business regulatory impact assessment.

The Convener: You will have the opportunity to not move amendment 57 later on.

Màiri McAllan: I hope that members agree that my amendment 181 is necessary and that they will support it. I have listened carefully to what Rachael Hamilton has said today—I absolutely agree with monitoring and reporting, but not in relation to issues that are not connected with the purpose of the bill, which I cannot support.

Amendment 181 agreed to.

Section 23, as amended, agreed to.

Section 24 agreed to.

Section 25—Crown application: powers of entry

The Convener: I invite the minister to move amendments 182 to 190 en bloc.

Amendments 182 to 190 moved—[Màiri McAllan].

The Convener: Does any member object to a single question being put on amendments 182 to 190?

As no member objects, the question is, that amendments 182 to 190 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Minto, Jenni (SNP) (Argyll and Bute) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)

Abstentions

Villalba, Mercedes (North East Scotland) (Lab)

The Convener: The result of the division is: For 8, Against 0, Abstentions 1.

Amendments 182 to 190 agreed to.

Section 25, as amended, agreed to.

After section 25

Amendment 57 not moved.

Sections 26 and 27 agreed to.

Long title agreed to.

The Convener: That ends stage 2 consideration of the bill.

12:55

Meeting continued in private until 12:59.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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

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