



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Environment, Climate Change and Land Reform Committee

**Tuesday 23 May 2017**

**Session 5**



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**Tuesday 23 May 2017**

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**ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM COMMITTEE**  
**15<sup>th</sup> Meeting 2017, Session 5**

**CONVENER**

\*Graeme Dey (Angus South) (SNP)

**DEPUTY CONVENER**

\*Maurice Golden (West Scotland) (Con)

**COMMITTEE MEMBERS**

\*Claudia Beamish (South Scotland) (Lab)  
\*Alexander Burnett (Aberdeenshire West) (Con)  
\*Finlay Carson (Galloway and West Dumfries) (Con)  
\*Kate Forbes (Skye, Lochaber and Badenoch) (SNP)  
\*Emma Harper (South Scotland) (SNP)  
\*Richard Lyle (Uddingston and Bellshill) (SNP)  
\*Angus MacDonald (Falkirk East) (SNP)  
\*Mark Ruskell (Mid Scotland and Fife) (Green)  
David Stewart (Highlands and Islands) (Lab)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Angela Lawson (Scottish Government)  
Andrew Voas (Scottish Government)

**CLERK TO THE COMMITTEE**

Lynn Tullis

**LOCATION**

The Robert Burns Room (CR1)



**Scottish Parliament**  
**Environment, Climate Change**  
**and Land Reform Committee**

*Tuesday 23 May 2017*

*[The Convener opened the meeting at 10:20]*

**Decision on Taking Business in**  
**Private**

**The Convener (Graeme Dey):** Welcome to the Environment, Climate Change and Land Reform Committee's 15th meeting in 2017. We have received apologies from David Stewart.

This morning, we meet in the aftermath of the horrific attack in Manchester yesterday evening. Our thoughts are with the families and loved ones of all those affected by that senseless act, as well as with the emergency services, to whom we are so grateful for their work in dealing with the aftermath of the atrocity. As has been said before in this Parliament, whatever our disagreements may be—in this place or any other—we stand united in our core values of democracy, human rights and the rule of law. Those values are strong and they will endure. I know that I speak for all my colleagues here when I say that we stand shoulder to shoulder with the people of Manchester today. As a mark of respect, the Scottish Parliament's flags are flying at half mast.

Before we move to agenda item 1, I remind everyone present to switch off mobile phones, as they may affect the broadcasting system.

Item 1 is consideration of whether to take in private item 4. Do we agree to take that item in private?

**Members** *indicated agreement.*

**Wild Animals in Travelling**  
**Circuses (Scotland) Bill: Stage 1**

10:22

**The Convener:** The second item of business is an evidence session on the Wild Animals in Travelling Circuses (Scotland) Bill. We are joined by officials from the Scottish Government's team who have been working on the bill. I welcome Andrew Voas, veterinary adviser, and Angela Lawson, solicitor. Good morning. Members have a series of questions for you, which I will kick off.

**Richard Lyle (Uddingston and Bellshill) (SNP):** Before we start, convener, may I remind members of my registered interest?

**The Convener:** You may do so now or when you ask a question.

**Richard Lyle:** I will do so now. I refer members to my registered interest as the convener of the cross-party group on and an honorary member of the Scottish Showmen's Guild.

**The Convener:** That is duly noted, Mr Lyle. Thank you.

We move to questions. Does the three-year gap between the consultation and the bill's introduction pose any challenges for the Scottish Government in ensuring that the bill reflects the weight of scientific evidence and public views?

**Andrew Voas (Scottish Government):** The bill is based on key ethical arguments. We are aware that there have been developments in scientific evidence, which were outlined in the Dorning and Harris report that was produced for the Welsh Government. Some of the scientific evidence might have strengthened concern about aspects of keeping animals in travelling circuses, but the key ethical arguments remain unchanged from those that we laid out in the consultation in 2014.

**The Convener:** The Welsh Government has plans for a scheme that is aimed at addressing mobile animal exhibits more widely, and the Scottish Government has acknowledged that the current legislative framework, which in part dates back to 1925, is

"somewhat dated and might benefit from review".

Given that, did the Scottish Government consider undertaking a follow-up consultation to seek a wider range of views and fill the gap between 2014 and now?

**Andrew Voas:** We are aware—and, when we were drafting the bill, we were especially aware—that there is a wide variety of other uses of wild and domestic animals for performance or public display. At one end of the range are zoos and

safari parks, which have a statutory obligation to be involved in conservation and education and are generally regarded by most of the public as being acceptable. In the middle is a range of uses of wild animals, such as birds of prey that might be seen at country fairs or animals that might be taken into schools so that, for example, children can hold snakes or see what different animals look like.

We are aware that the public do not seem to have the same fundamental ethical objection to those other uses of animals as they do to circuses. The argument is that circuses attract sufficient moral opprobrium that the only appropriate way of dealing with them—given the particular ethical arguments that apply to them—is complete prohibition, whereas for the other uses, it would be appropriate to tighten the registration and licensing requirements in order to modernise the approach that stems from the Performing Animals (Regulation) Act 1925.

**The Convener:** I presume that the assertion that you just made about the public view is informed by the volume and nature of the correspondence that was received in response to the call for opinions. The responses have not yet been published in detail. Will you give us a flavour of the volume and balance of the views that you received?

**Andrew Voas:** The consultation analysis has been published and the individual consultation responses were published very recently. The consultation took place back in 2014. The analysis extracted key points that respondents made. In addition, from United Kingdom public opinion polls that date back over the past 10 years, we are aware that 70 to 80 per cent of a random sample of the public support a ban on wild animals in travelling circuses.

The most recent poll was by YouGov in 2013 and was broken down by species. Although there was more support for banning the use of bears, big cats and elephants, there was still significant support for banning the use of creatures such as parrots and snakes.

We have also had a constant stream of correspondence. There is regular correspondence to ministers, which we answer. Some of that is sparked by events, such as the visit of the big cats to Peterhead in 2014. That took place after the consultation, but a lot of letters were sent at that time to ask why we had not yet banned wild animals in travelling circuses.

**The Convener:** The committee has taken a particular interest in engaging with young people to gauge their views. Was any particular effort made in the consultation to get young people's opinions and, if so, what form did that take?

**Andrew Voas:** The consultation was open to everyone. We are not aware of any particular responses from young people. We have not yet had any particular initiative to engage young people, but we have the option to do so as the bill progresses and we could look into that.

From the responses that were submitted, we know that a significant concern was the potentially damaging effect on young people of seeing wild animals in travelling circuses being made to perform unnatural behaviours, being dressed up in human clothing or being invited to do things that lead people to make fun of them or laugh at them. The argument is that animals are seen as props for entertainment or as ways of demonstrating the superiority or cleverness of the trainers in making the animals do certain things. Several respondents made the point that it is harmful for young people to see animals being used in such a way, because it gives them a false impression of wild animals and shows a lack of respect for the inherent nature of wild animals.

**The Convener:** But you have not spoken to young people.

**Andrew Voas:** We have not specifically asked young people for their views.

**Mark Ruskell (Mid Scotland and Fife) (Green):** Have you done any attitudinal surveys or polls on the other uses of wild animals—for example, to see what the attitude is to wild raptors being used in displays?

**Andrew Voas:** We have not done specific work on the other uses of animals. From time to time, people write in with concerns about other uses of animals, and we often have discussions with groups such as OneKind and the Scottish Society for the Prevention of Cruelty to Animals, which have raised concerns about other uses. That is the basis for the further work that we plan to do, which the cabinet secretary recently announced, in which we will be modernising the Performing Animals (Regulation) Act 1925.

10:30

**Mark Ruskell:** How do you know that the public attitude to circuses differs from the public attitude to other uses of wild animals? You say that there is quite a big ethical difference in the public's mind between the use of wild animals in circuses and other uses of wild animals, but I am trying to work out what the evidence basis is for that. The consultation was about the bill; it was not about other uses of wild animals.

**Andrew Voas:** The consultation was specifically about the use of wild animals in travelling circuses. Some people made remarks about other uses of

animals, but there were not many of those responses.

**Mark Ruskell:** What is your basis for the ethical distinction between circuses and other uses of animals in performance?

**Andrew Voas:** That was outlined in the consultation. Key ethical arguments inevitably apply to the use of wild animals in travelling circuses, and some of those arguments apply to an extent to other uses of animals, but they do not all apply in the same way.

The first ethical argument is to do with the lack of respect that is shown for animals, which I have outlined. Wild animals are perceived to have a particular status, and they should be able to fulfil their natural potential; using them in a way that is seen as demeaning or as a source of amusement is contrary to their natural essence. That is an inherently disrespectful attitude, which, as I have said, can foster harmful attitudes in young people who are exposed to it.

The second argument is that the travelling circus environment involves keeping animals in relatively barren enclosures and subject to the stress of transport and disturbance, and it is inherently difficult in such situations to allow a wild animal to express its full range of natural behaviours and to provide suitable accommodation that allows it to do that. Although wild animals might not suffer physically if they are transported as part of a travelling circus, it is inherently difficult in that situation for them to fulfil their instincts and express wild behaviour—to breed, shelter and move about in the way that they would like to.

The third key argument is that, although we accept some compromise to the ideal welfare of domestic or wild animals—for example, we accept that farm animals are not always kept in optimal, ideal conditions—that is justified by the wider benefit to humans of the ability to have food at a reasonable price or to use animals for leather or milk production. With other types of wild animal keeping or performance, conservation values might apply. Zoos take part in planned breeding programmes, and there might be an educational value in taking wild animals into schools so that children can see them. Other wide benefits justify ethical costs or potential welfare compromises.

The argument is that circuses are basically commercial, money-making operations that purely provide a type of entertainment that is widely perceived as outdated. In the public mind, there is a lack of justifying benefit in circuses that does not seem to apply to the other possible uses of wild animals.

**Mark Ruskell:** I now understand the bill's ethical basis better, but I am still trying to

understand whether the public view of circuses translates to other forms of animal performance. It is clear that you do not have data on that.

**The Convener:** Let us explore the ethical issue.

**Emma Harper (South Scotland) (SNP):** The policy memorandum talks about ethical versus welfare issues. It is hard to separate them, because ethics and welfare are part and parcel of the same issue. How did you distinguish between the welfare concerns and the ethical concerns about wild animals in travelling circuses?

**Andrew Voas:** Some of the ethical concerns are clearly related to welfare aspects, such as, for example, whether it is possible to keep animals in circuses without compromising their welfare. That is part of the ethical concern, but the conclusion of Mike Radford's 2007 report, "Wild Animals in Travelling Circuses", was that it is hard to find objective scientific evidence that would apply to all wild animal species that might be used in travelling circuses.

There is probably good evidence on animals such as elephants and big cats that might suggest that their welfare is sufficiently compromised in circuses to justify a complete ban, but it is difficult to gather that sort of evidence scientifically and in sufficient detail for every single species that might be used in a travelling circus.

There is a wider ethical objection that, no matter whether a wild animal can be shown to be suffering in ideal welfare conditions, wild animals just should not be used in that sort of environment purely for entertainment, made to perform unnatural acts and dressed up in unnatural regalia or clothing. That wider ethical objection applies to all wild animals—it is not a matter of specific welfare concerns about specific species.

**Emma Harper:** I think that it is fair enough to look at the ethics as opposed to welfare. We are probably talking about animals ranging from snakes all the way to seals and zebras—a really wide variety of wild animals, elephants and big cats included.

**Andrew Voas:** Yes, exactly.

**Kate Forbes (Skye, Lochaber and Badenoch) (SNP):** Can you elaborate on the three ethical issues: the impact on respect for animals, the impact of travelling environments on an animal's nature and the ethical costs versus benefits?

**Andrew Voas:** I have outlined those areas already. On respect for animals, the view was expressed that wild animals should be free to express their natural essence and wildness—telos is the technical term. Some of the remarks that were made in response to the consultation mentioned how putting animals in unnatural environments, making them do unnatural tricks

and behaviours and dressing them up in unnatural ways is demeaning or humiliating for them. People felt that animals that should be considered as wild, free and allowed to express their natural behaviour were being portrayed in an unnatural way. They are being brought into an unnatural situation and made to do unnatural things contrary to their natural purpose in life.

**Kate Forbes:** What about ethical costs versus benefits?

**Andrew Voas:** As I said, we accept that in a variety of situations there can be a welfare cost to animals that can be justified by some benefit to animals or wider society in general. We accept a welfare compromise for farm animals; they might not always be kept in ideal conditions, but they are fulfilling a purpose by providing food and drink.

Similarly, people have concerns about the conditions in which wild animals are kept in zoos, but zoos fulfil a valuable conservation and education role. They take part in planned breeding programmes that are co-ordinated worldwide and they also do useful work in education. In fact, zoos and safari parks have a statutory obligation to be involved in such work. There is a welfare cost to those animals in being kept confined—they might be kept in more natural environments than in a travelling circus, but people still agree that there is a potential welfare cost to those animals—but that is justified by the benefit of conservation and education and a wider benefit to society.

However, if we consider the travelling circus environment, the welfare cost or the ethical objections to the use of animals in that environment surely cannot be justified by the commercial benefit to the circus owners in providing a spectacle purely for public entertainment.

**Kate Forbes:** It strikes me that there is a balance to be struck between an evidence-based justification for such legislation and taking into account general public opinion. Presumably, you are trying to find a middle ground where both meet.

**Andrew Voas:** Yes. The consultation's approach is quite unusual because we tend to try to base legislation on objective evidence or scientific evidence, if it is available. In this case, the approach has been to try to gather evidence of the general public's ethical objections. Therefore, the purpose of the consultation in 2014 was to seek views and opinions on the ethical arguments that had been suggested. We had more than 2,000 responses to the consultation, 95 per cent or more of which agreed that the use of wild animals in travelling circuses should be banned. However, there were some detailed responses to the specific ethical questions that were asked. We

certainly did not treat the consultation as an opinion poll or a mini referendum; we were really interested in considering the detailed arguments that some of the respondents made. Those are outlined in the response to the consultation.

**The Convener:** Let us get into the nitty-gritty of the bill.

**Richard Lyle:** I said earlier that I am the convener of the cross-party group on the Scottish Showmen's Guild. Who in the industry did you consult about the proposal?

**Andrew Voas:** The consultation was open to all and we had some responses from the circus industry. There was a response from the circus guild of Great Britain.

**Richard Lyle:** Yes, but not from the Showmen's Guild.

**Andrew Voas:** It was an open, public consultation, which was advertised. I do not think that we had a response from the Showmen's Guild.

**Richard Lyle:** I remember going to circuses as a child—most of us can. However, the bill does not define what a circus is. Why does it not do so? What is a circus to your mind?

**Andrew Voas:** Our view was that there is a common understanding of what a circus is and that it would take its dictionary definition. I will pass the question on to Angela Lawson, who is the legal adviser.

**Angela Lawson (Scottish Government):** The Scottish Government's view was that there is an ordinary meaning of "circus". I am sure that the people who are in this room have a view of what a circus is. We did not want to be unduly restrictive in defining it and follow, for example, the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981. That legislation is more than 35 years old and describes a circus as somewhere "where animals are kept ... for the purpose of performing tricks".

We did not want such a narrow definition because circuses have moved on since then. Often, animals are used for display purposes and are not performing tricks.

If we do not define "circus" in the bill, it will take the ordinary meaning. The "Oxford English Dictionary" is often cited and relied on by courts for defining something if it is left to ordinary interpretation. It says that a circus is:

"A circular arena surrounded by tiers of seats, for the exhibition of equestrian, acrobatic, and other performances. Also ... the company or 'troupe' of performers and their equipage."

Basically, it is the place of the circus and the acts that are in it.

**Richard Lyle:** However, the proposed ban will not apply to a static circus. In my constituency, there is a theme park that, technically, could have a static circus all year round and the bill would not cover it. Is that correct?

**Andrew Voas:** Yes, that is right. The justification is that the travelling environment is one of the key parts of the ethical objections. It applies to travelling circuses but not to other circumstances. There are other situations—such as theme parks, as you said—in which animals are used for performance but the reasoning is that, if they are permanently based there, there is more possibility for them to be provided with a suitable, stable environment that provides more enrichment and allows them to express more natural behaviours when they are not performing. That is why we focus on travelling circuses.

**Richard Lyle:** If you will allow me to develop the point, convener, the successful theme park in my area brings in reindeer for Christmas shows and so on. The reindeer travel to the theme park, as happens throughout the land for such shows. I remember being at an excellent Christmas show in Aboyne at which reindeer were present. Will such animals be covered by the act or not?

10:45

**Andrew Voas:** We would not regard such displays as travelling circuses.

**Richard Lyle:** Okay. I will ask my other question. Across the country, people go to garden centres and see handlers standing with owls and other birds of prey. They might be raising money for charity, and kids can learn about how to treat birds and so on. Will those be covered by the act?

**Andrew Voas:** Again, such displays would not be commonly understood to be travelling circuses, so they would not be covered. We propose to address such situations in the future, with updated licensing or registration.

**Richard Lyle:** Here is my last question on this theme. Why has the Scottish Government chosen to limit the scope of the bill to the treatment of travelling circuses? People have concerns about the treatment of animals in general. I am a dog lover and do not like to hear about them being mistreated, but I dislike hearing about the mistreatment of any other animal. Why has the Government chosen to select only circuses?

**Andrew Voas:** The issue of travelling circuses has been the subject of public concern for many years. It was a manifesto commitment of the Scottish National Party specifically to ban wild

animals from circuses. It is also something that the UK Government wants to pursue.

As I have tried to explain, the key argument is that the ethical objections to travelling circuses all inevitably apply to them, but they do not apply to the same extent to other uses of animals. As there is sufficient public opprobrium or moral objection specifically to travelling circuses, we think it appropriate to ban the use of wild animals in those environments. However, for all the other possible uses for wild or domestic animals, we do not think that there is sufficient public opprobrium to ban them completely, but we would like to improve the arrangements for their registration and to introduce licensing conditions that are appropriate to the particular uses.

**The Convener:** Can I explore another aspect of that? The purpose of this session is to clear up any ambiguity either in the minds of members or where the bill might not be clear enough. I have read the bill a few times, and I am not 100 per cent sure whether the overwintering of animals is covered. We have had at least one case in Scotland in which concern was expressed about circus animals being displayed while they were being overwintered. For the record, I would like some clarity on whether wild animals being overwintered in Scotland will still be permissible, or will it be permissible only if they are not displayed and a charge is levied?

**Andrew Voas:** The bill specifically concerns the use of wild animals in performance, display or exhibition. Whether it involves a charge to the public is irrelevant. Any performance, display or exhibition of wild animals in travelling circuses is prohibited.

The term “travelling circuses” covers any premises connected with them, and so would cover overwintering premises in Scotland to which animals associated with a travelling circus might be brought. Any performance, public display or exhibition of those animals at that overwintering site would be prohibited by the bill.

The bill will not prohibit the private keeping of wild animals that might or might not have been associated with a circus at some point in the past, so it will not prohibit circuses from transporting animals through Scotland or keeping them privately in Scotland if there is no public display of those animals.

**The Convener:** Thank you. It is useful to get that on the record.

**Claudia Beamish (South Scotland) (Lab):** I want to push that last point a bit further. It is hard to fathom why the bill does not prevent animals from being kept or transported by circuses while in Scotland even if they are not going to perform or be displayed or exhibited in Scotland. I understand

that it might be difficult for the bill to do that, but it seems to me that that should be part of what happens.

**Andrew Voas:** As I explained, one of the key ethical objections was that it is the viewing of those animals performing unnatural behaviours that is potentially harmful to younger people and which engenders attitudes that are considered to be disrespectful to wild animals. It is the actual viewing of the animals that is felt to be particularly morally objectionable.

Other difficulties that we would have if we prohibited or sought to prohibit the private keeping of wild animals that had been associated with a travelling circus are that there would be inconsistencies—private individuals are allowed to keep wild animals if they comply with appropriate legislation, and wild animals can also be kept in other environments by zoos, safari parks and other enterprises. If we sought to prevent circuses from keeping wild animals, that could be perceived as discriminatory and, basically, it would affect people's right to own property, which would contravene the European convention on human rights on a couple of counts.

If across the UK there was a general prohibition on the keeping of wild animals by people who were associated with travelling circuses, we would also potentially have the practical problem of what to do with the existing wild animals. There would undoubtedly be stories of animals having to be put down, rehomed or separated from people who regarded them as companions and, in some cases, almost as family members. There would be the practical welfare difficulty of what to do with the wild animals that were no longer allowed to be kept by people associated with circuses.

**The Convener:** I would like to raise the question of the definition of a wild animal. There is an argument that changes could occur to the behaviour, life cycle or physiology of some wild animals when they are closely engaged with human beings or engage in particular practices over a period of time. Is there any concern that the definition of wild animals as we would understand it could be challenged?

**Andrew Voas:** The definition that we have used is that a wild animal is

“an animal other than one of a kind that is commonly domesticated in the British Islands.”

There is a similar status for wild animals under the Animal Health and Welfare (Scotland) Act 2006. That has allowed some useful flexibility in interpretation, and it has been widely understood and accepted.

There are problems, in that “wild” can be defined in different ways for different pieces of

legislation and in different contexts. In some cases, “wild” could be associated with danger or with animals that have been free living and which are not captive. For our purposes under the bill, we have used a definition that is closely related to wording under the 2006 act, which we feel provides sufficient explanation but allows some flexibility for changes in circumstances.

**The Convener:** Okay. Thank you.

**Claudia Beamish:** What other approaches to addressing issues associated with the use of wild animals in travelling circuses did the Scottish Government consider? Why did it rule those out in favour of the legislative approach?

**Andrew Voas:** As I have tried to outline, the public demand has been for complete prohibition of wild animals in travelling circuses.

The committee will be aware that a licensing regime was introduced in England. We decided not to introduce a similar regime in Scotland, partly because we did not have any wild animals in travelling circuses in Scotland at the time. We did not feel that a licensing regime would address the key ethical issues that I have outlined, which we think justify a complete ban on the use of wild animals in travelling circuses.

**Claudia Beamish:** That is helpful. Thank you.

**The Convener:** We will move on to a different theme, but first I would like to get some context. Could you outline the scale of travelling circuses in Scotland?

**Andrew Voas:** Travelling circuses visit Scotland, and we currently have one that uses animals—it has horses, dogs and budgerigars, but last year it also had performing domestic cats. There are also human-only circuses that visit from time to time. No circuses with wild animals have visited Scotland for several years.

In England, there are currently two licensed circuses with wild animals. They have particular rounds in Wales and the English midlands, and they have given no indication that they want to come to Scotland in the near future. In effect, we have not had any wild animals in travelling circuses in Scotland for several years.

**The Convener:** Okay. I apologise if we have already dealt with this, but if a travelling circus with animals that was based in England was heading for Northern Ireland and it travelled through the port of Stranraer, would it be covered?

**Andrew Voas:** As I have said, the bill would not ban the private keeping of wild animals for travelling circuses, so provided that those wild animals were not used for performance, display or exhibition while they were in Scotland, no offence

would be committed by transporting them through Scotland.

**The Convener:** Thank you. I just wanted to get that on the record.

**Angus MacDonald (Falkirk East) (SNP):** I want to turn to the issue of enforcement. Schedule 1 makes provision for local authorities or the Scottish ministers to appoint an inspector for the purpose of enforcing the legislation. What discussions has the Scottish Government had with local authorities, the SSPCA and Police Scotland on the enforcement approach and provisions?

**Andrew Voas:** We have had discussions with local authorities. We anticipate that, in practice, local authorities would be the key enforcers of the legislation, although it is unlikely that circuses with wild animals will choose to come to Scotland if they know that there is a ban in place. If that did happen, we would expect local authority inspectors to be the first point of contact, as such circuses would also need to apply for public entertainment licences to perform in Scotland.

I might be wrong, but I do not think that we have had direct discussions with the police. We do not think that the Scottish SPCA would be directly involved, but it is aware of the bill and we have had general discussions about it.

**Angus MacDonald:** Do you plan to have discussions with Police Scotland at some point?

**Andrew Voas:** We could contact Police Scotland and let it know about the bill.

**Angus MacDonald:** You are saying that enforcement would be the responsibility of local authority inspectors, but to whom would they be accountable?

**Andrew Voas:** Local authority inspectors are appointed by local authorities as inspectors in relation to a wide range of animal health and welfare legislation. Ultimately, therefore, they are accountable to their local authority.

**Angus MacDonald:** I turn to the issue of fines. Schedule 1 also provides for someone who commits an offence under section 1 of the bill to be liable to a maximum fine “not exceeding level 5”, which I understand is currently £5,000. How did the Scottish Government arrive at the proposed maximum fine level? How does it compare with the income from a run of circus performances?

**Angela Lawson:** The sum of £5,000 was chosen because it is commensurate with other offence provisions in other animal legislation, particularly the Animal Health and Welfare (Scotland) Act 2006, which allows for offences under the part of the act that deals with animal welfare to be set at level 5—£5,000—except in certain instances of extreme cruelty, such as

cases involving unnecessary suffering or animal fights. If there was unnecessary suffering in a circus context, we could use the powers in the 2006 act and prosecute under those provisions, which would attract a much higher fine of £20,000.

11:00

**Angus MacDonald:** Are you fairly confident that, between the two possibilities, there will be an appropriate deterrent?

**Angela Lawson:** Yes. As the 2006 act has been in place for some time and it is generally working well, we have been able to use the information from it to feed into the provisions in our bill—in particular, the enforcement provisions.

**Angus MacDonald:** Do you envisage a situation in which there might be multiple individuals in an organisation who could be held responsible for an offence and that each of them would be liable for a fine, or would it just be the business?

**Angela Lawson:** If we look at the way in which the bill is drafted, we can see that the person who commits the offence is the circus operator, and that we have listed more than one type of person who could be that operator. Therefore, in some instances, depending on the facts and circumstances of the case, it is possible that there might be more than one fine or more than one person. A lot will depend on the set-up of the circus. It may well be that the circus owner is different from the person who has overall responsibility or who is ultimately responsible for the circus in the UK, in which case there is a possibility of there being more than one fine. There are also situations in which a circus might be owned or managed by more than one person. Sometimes, families might manage a circus together. In such circumstances, there could potentially be more than one fine.

**Alexander Burnett (Aberdeenshire West) (Con):** I turn to the economic impact. You come to the logical conclusion that, as there have been no circuses in Scotland for several years, the financial impact would be minimal in practice. I am sure that that is fairly easy to agree with.

As far as the evidence behind the bill is concerned, you mentioned earlier that the consultation had been published. However, we understood that the individual responses had not been published. Will you clarify that?

**Andrew Voas:** I will ask my colleague who is sitting in the public gallery. [*Interruption.*] I am sorry—the individual responses are still to be published. I thought that they had already been published. I apologise for my mistake.

**Alexander Burnett:** That was part of the point of the question. We understand that the individual responses will be published in future. Is that correct?

**Andrew Voas:** Yes—they are in the process of being published.

**Alexander Burnett:** In the absence of those, and for the record, will you tell us whether the circus guild of Great Britain, Performing Animals Welfare Standards International and Producers Alliance for Cinema and Television raised any economic concerns with the Scottish Government about the proposed bill and, if so, what those concerns were?

**Andrew Voas:** We had a meeting with those organisations last week. They explained that, as their circuses have not visited Scotland for several years, they are not particularly concerned about that aspect of the issue. However, they did make the point that, if there were to be a wider prohibition on wild animals in travelling circuses, it could have knock-on effects for the film and television industry. They said that some of the wild animals that are currently used in travelling circuses are also used in film and TV productions—particularly the big cats that members might have seen, many of which will have been sourced from people who also operate circuses. Therefore, there might be performing circus animals that are also used in film and TV production. The organisations' main concern, from an economic point of view, was that if there were to be a wider prohibition, that would adversely affect those uses of animals.

**Alexander Burnett:** Is there a timescale for publication of the individual responses?

**Andrew Voas:** There are some technical difficulties. I thought that they had been published, because I knew that we had given approval for that to happen. I had thought that they were in the process of being published, but there are a few technical problems to do with the volume and the physical size of the data that is to be published.

**The Convener:** Once you have looked into that, perhaps you could write back to the committee on the timeframes that you are working to.

**Andrew Voas:** Yes, we will do that. We will write and let the committee know when the responses are due to be published.

**Mark Ruskell:** Returning to the definition of a circus, it is clear that there are now multiple definitions, and you are introducing a further one, which is based on the "Oxford English Dictionary". Could that be problematic?

**Andrew Voas:** We do not think so. I think that there is a general understanding that, if a word is not specifically defined for a particular purpose in

legislation, it tends to take its dictionary definition. There is a common understanding of what a circus—in particular, a travelling circus—entails that is different from other uses. We do not anticipate any particular difficulty in defining what a travelling circus is, as commonly understood by the general public or the man in the street.

**Mark Ruskell:** But it is already defined in law under several different acts. It is stated quite specifically what the nature of a circus is. I am asking about that difficulty, whereby you have two pieces of legislation, one of which defines a circus in one way and one of which—if the bill is passed—will define it in a very different way. Does that create challenges?

**Andrew Voas:** We find that in other situations, in which a particular word can be defined in a particular way to suit the particular context and measures in one particular piece of legislation. As I have mentioned, "wild" might be defined in different ways for different pieces of legislation. I believe that "circus" is defined for the Dangerous Wild Animals Act 1976, but that is in the context of that act.

**Angela Lawson:** "Circus" is defined in the 1976 act and in the Zoo Licensing Act 1981 for those specific purposes. The bill concerns wild animals in travelling circuses, which is quite a different purpose from the licensing of zoos. Therefore, we need a different definition of "circus" in relation to the bill.

**Mark Ruskell:** The act from the 1970s refers to animals being used in a performance setting to carry out tricks or manoeuvres. Is that largely irrelevant to the bill, because you are taking a broader dictionary definition, and you are saying that it does not matter where they are—wild animals are not allowed?

**Angela Lawson:** Yes.

**Andrew Voas:** If the situation concerns something that would be commonly understood to be a travelling circus, or premises associated with a travelling circus, that is what is covered in our bill.

**Angela Lawson:** Technically, we are leaving the definition of "circus" to ordinary interpretation, but we specifically define what a "travelling circus" is, in terms of its movement from place to place.

In such a situation, we fall back on the point that we could not possibly adopt the definition from other legislation, because it would not work for the purposes of the bill. One of the key things is that we want to prohibit display. The definitions in the older legislation did not take into account the possibility that animals were going to be used merely for display.

**Mark Ruskell:** I am hypothesising, but if someone wanted to get round the eventual legislation, they would have to conduct the circus somewhere other than in a tent, and they would have to have no other ancillary acts around it, such as

“acrobats, clowns, and other entertainers”—

I am reading from the “Oxford English Dictionary” definition. They would have to avoid all of that, and then they could get round the proposed legislation. Is that right?

**Angela Lawson:** Yes—but then it would basically not be a circus.

**The Convener:** Regarding the definition, how often does a circus have to travel to be a travelling circus?

**Angela Lawson:** It just has to travel from place to place. If it is a circus and it moves from one place where it performs to another place and performs there, it is a travelling circus.

**The Convener:** So if it makes two movements, it is a travelling circus.

**Angela Lawson:** We specifically do not want to end up in a situation in which people can get out of or avoid the legislation by, for instance, travelling just once a year. If it travels from place to place, it is a travelling circus.

**Richard Lyle:** You mentioned the Civic Government (Scotland) Act 1982, which covers licensing. The act applies only to Scotland; for showmen, the law in England is different. Councils have had many interpretations of the act, with add-on after add-on.

In relation to Mark Ruskell’s point, what if I was a circus owner and I decided to take out the circus element and put up a sign saying “Wild West Show”? I have been reminded that, for several years, there were stallions—I cannot remember the exact breed—going round for a sort of Vienna horse show. Could horse shows, safari parks, theme parks, fêtes and zoos be affected by the proposed law? You propose the law, but we have to ask about it. I am concerned, because my experience is that councils have a very different perception of the law once it gets out there.

**Andrew Voas:** As we have outlined, the bill is specifically limited to travelling circuses and things that will be commonly understood to be travelling circuses. Horses are domesticated animals, so they are excluded from the bill. I suppose that there could be circumstances in which a travelling circus chose to call itself something different, but people would still have to consider whether that enterprise or show included elements such as acrobats, clowns, variety acts and performing animals. If it did, there might be a common

understanding that it would be reasonable to call it a travelling circus, even though it did not describe itself as such.

**Richard Lyle:** I am sorry to keep pressing you, but I have had experience of issues being perceived in a particular way but things turning out differently. If someone had a wild animal but it was not part of a circus, because no acrobats or whatever were involved, would that be covered under the proposed law? I see Angela Lawson shaking her head. There is a way round the bill: by not calling something a circus and not having acrobats in it, it will still be possible to have wild animals in it and we will not be able to touch it. Is that the case or not?

**Andrew Voas:** As we have described, if an act involves a single wild animal and there are no accompanying acts of a traditional circus nature, it will be, in effect, a single wild animal display or act.

**Richard Lyle:** I apologise for pursuing this, but would you class penguins, performing seals, zebras and llamas as wild animals?

**Andrew Voas:** The bill defines a wild animal as “an animal other than one of a kind that is commonly domesticated in the British Islands.”

As penguins are not commonly domesticated in the British isles, they would fall under the definition of wild animals for the purposes of the bill. Zoos and safari parks would be outwith the scope of the bill, because they would not be regarded as travelling circuses.

**Richard Lyle:** I take it that you have never watched the penguins walk round at Edinburgh zoo.

**Andrew Voas:** I have, but that is not regarded as a travelling circus.

**Richard Lyle:** I apologise for pressing you, but my contention is that if someone wants to get round the bill, all that they need to do is remove the word “circus” from the show’s title and take out a few acrobats. As sure as tomorrow follows today, they will have got round the bill.

**Andrew Voas:** Such an act involving the performance or display of a single wild animal will be covered by our proposed registration and licensing requirements for all performing animals in circumstances other than those covered by the bill, if such an act is not already covered by the requirement to register under the Performing Animals (Regulation) Act 1925 or the public entertainments licence.

**The Convener:** So if there were any kind of loophole, it would be closed.

**Andrew Voas:** Yes.

**Emma Harper:** I agree that it is a difficult issue. In the south of Scotland, there is a display team that has owls and raptors in it. The staff pride themselves on the education that they do, which involves going into schools and promoting conservation. Is it correct that that would not be considered to be a circus?

**Andrew Voas:** Yes. It would not be commonly understood by the man in the street to be a travelling circus, so it would fall outwith the scope of the bill.

**Alexander Burnett:** I come back to the definition of “circus”. Any law that is drafted should be as definite and clear as possible.

You say that you want to use the ordinary dictionary definition of “circus” but, as a solicitor, Angela Lawson, you must be aware that precedence will always be given to definitions that have been laid down in court or in existing legislation. How will the use of a dictionary definition overrule that?

11:15

**Angela Lawson:** We will make clear in the guidance exactly what is intended by the definitions involved. There is a definition in the Dangerous Wild Animals Act 1976, but the bill is not about the licensing of dangerous wild animals or zoos, and we would not necessarily lift a definition from an area of legislation that was not relevant to the legislation that we were dealing with. Even though a definition of “circus” has been provided in other contexts, those contexts—the Zoo Licensing Act 1981, for example—are not sufficiently similar that the definition there would overrule the ordinary dictionary definition in the bill.

**Alexander Burnett:** Would that not be the first line of the appeal in the first case that was brought?

**Angela Lawson:** The Scottish Government has considered the issue and is of the view that it is better to rely on the dictionary definition and ordinary meaning of “circus”.

**Finlay Carson (Galloway and West Dumfries) (Con):** Are you confident that we are not creating messy legislation because of the fluffiness of the common definition of “circus”? The first thing that springs to my mind is travelling llama shows, which have been mentioned. Are llamas wild animals? They are not native to the United Kingdom. Are they commonly domesticated? The more this conversation goes on, the more I see opportunities for misinterpretation—including deliberate misinterpretation—of the bill. Are you confident that the bill will not give rise to the kind of claims that Alexander Burnett and Richard Lyle

talked about? Could we do with a legal definition of “circus”?

**Andrew Voas:** There is the experience of England, where there is a similar definition of the animals that are covered and two circuses are licensed. I do not think that there have been difficulties in England and Wales because of confusion caused by other potential uses of animals. I think that the general public are quite clear about what a travelling circus is. The two in England have not visited Scotland for many years, so there has not been a travelling circus with wild animals in Scotland for several years. We are not expecting people to overthink the issue or suggest that particular activities are travelling circuses when a reasonable understanding of the term would suggest that they are not.

**Finlay Carson:** We cannot expect everyone to be reasonable. There are some determined animal rights people out there who might seek loopholes to stop travelling llama shows, which could be described as circuses. That is where I am coming from. We are not necessarily talking about people who are reasonable and who take a balanced view; we are looking at people who might want to push the law to an extreme. That might include animal rights activists who want all animal shows to be banned.

**Andrew Voas:** If such people took a case to court, the judgment would be based on a reasonable interpretation of what a travelling circus is, which would be the common understanding of the man in the street, rather than the argument that certain groups might put forward.

**The Convener:** I think that the committee has covered the issues that we wanted to cover. If we have other questions, we will contact you in writing in due course. In the meantime, thank you both for your evidence, which has got us started on the process.

11:18

*Meeting suspended.*

11:24

*On resuming—*

## Petition

### Game Bird Hunting (Licensing) (PE1615)

**The Convener:** The third item on our agenda this morning is consideration of PE1615 by Logan Steele, on behalf of the Scottish raptor study group, on a state-regulated licensing system for game bird hunting in Scotland. The committee previously took evidence on the petition on 18 April. This morning, we have been presented with options for progressing the petition. I refer members to paper 3 and invite comments on the options, and on any other options that they might want to be considered.

**Kate Forbes:** I would like to take the opportunity to sketch out my views on this matter before talking about the option that I support.

First, I thank Logan Steele for his evidence. His approach was clear, concise and evidence-based, and we would all do well to take that approach when coming at this issue, because passions run high.

Everyone is clear that raptor crime needs to be resolved and that raptor persecution remains a concern. I would like to appeal to anyone who is tempted to stoop to criminal activity in cases such as those that we are talking about, because harm is also being done to land managers, keepers and others who are in the industry but are not doing anything wrong. The reputational damage to those people is quite serious.

I am still not convinced that game bird licensing is the magic answer. The Scottish Natural Heritage report and the evidence from BirdLife International suggest that, in European countries that have a form of game bird licensing, raptor persecution is still a widespread phenomenon, and such activities still occur regularly in most European countries.

There are alternatives to game bird licensing, but they depend on trust, and I think that we need to contribute more resources to the systematic monitoring of the level of persecution of bird populations and the effective enforcement of law, which is probably the most important aspect of this issue.

What is of key concern are the broken relationships that I see in this industry in Scotland. I welcome the approach by Scottish Land & Estates and other organisations that have come together to try to find alternative solutions. I continue to be concerned about reducing the burden of proof and the potential for burdening the law-abiding majority. There is a bigger issue in all

this that is to do with land ownership, which has a significant impact on hunting practices.

In conclusion, with all those concerns and thoughts, I would like the Scottish Government to conduct further inquiry into the issue, which is why I support option 2 in paper 3. However, I would like to see a line in any letter from the convener that says that the committee is not unanimous in its support for game bird licenses, that we would like more information on the matter and that we would like the Scottish Government to consider the matter.

I commend Logan Steele for his evidence and recognise that we are dealing with a serious problem, but I also note that the even bigger problem that we face is the lack of trust, which is the main hurdle when it comes to solving this problem.

**Alexander Burnett:** I note my entry in the register of member's interests in relation to countryside management.

I want to make a number of points that lead me to my position. Game bird licensing is being proposed to combat wildlife crime. There is already considerable legislation covering wildlife crime; the issue has always been around enforcement.

The evidence demonstrates that the legislation is producing a downward trend in wildlife crime, and it is well documented that the declining but residual wildlife crime problem rests with a handful of upland grouse moors. Game bird licensing would apply to the whole of Scotland and would also cover pheasant, partridge and duck shoots, in relation to which there has been no suggestion of wildlife crime. The cost of the licensing system is proposed to be borne by the shoot and will further threaten what is a valued but highly marginal sector. That financial detriment is already being increased with the reintroduction of sporting rates.

Further legislation that will improve wildlife prosecutions, namely regulations on land registration, is under way and should further reduce wildlife crime. The licensing system that is being proposed is used in Europe, where there are different issues, and it has had no effect on wildlife crime, so I conclude that the proposed licensing system is inappropriate, disproportional and unworkable for the issue of wildlife crime that it seeks to address.

However, although I am in favour of dismissing the petition, I was pleased to see the positive option put forward by Scottish Land & Estates, the British Association for Shooting and Conservation, the Scottish Gamekeepers Association and the Scottish moorland group. In the interests of achieving cross-party consensus, I support their proposals being progressed.

11:30

**The Convener:** Is that an alternative proposal to options 1 and 2?

**Alexander Burnett:** Yes.

**The Convener:** Just to be clear, your proposal is that the committee should recommend those organisations' proposals to the cabinet secretary and close the petition.

**Alexander Burnett:** Yes.

**The Convener:** That is now on the record.

**Claudia Beamish:** I, too, recognise Logan Steele's commitment in progressing the petition. I note that when he gave evidence to the committee he commented that 40 years of work was required to resolve some of the intractable issues relating to wildlife crime.

I support option 2, and particularly the possibility of considering

"a flexible and non-onerous licensing regime".

If that were to be introduced, it might apply only to intensive driven grouse moors or to all game bird shooting. Those options are a matter of public record, and I have listened to the points made by others about any regime not being too onerous. There could, however, be clear criteria that would have to be met for sustainability and biodiversity, and perhaps in relation to muirburn.

The lower burden of proof for civil law is an important aspect, because, in the remote areas where wildlife crimes often take place, corroboration is difficult. The Rural Affairs, Climate Change and Environment Committee in session 4 heard much evidence of that and, as a member for South Scotland, I am keenly aware of that issue. I acknowledge the risk of vexatious troublemakers who might wish to pin something on someone, but that is the case with all crime. It is something that one needs to be keenly aware of, but it is not a reason for me not to support licensing in Scotland.

One of the points raised in option 2 is the possibility that a licensing system could be trialled somewhere, and I support that, too.

In conclusion, I am keen for the cabinet secretary and the Scottish Government to explore with stakeholders the need for and benefit of such a licensing system, and I am keen for us to keep the petition open.

**Mark Ruskell:** I, too, want to thank Logan Steele for the measured way in which he has presented the petition and the evidence before us. It has added light, rather than heat, to the issue. However, I believe that the voluntary approach has failed in Scotland and I think that the view of the shooting industry that we should just further embed the voluntary approach is the wrong way

forward if we are seriously to tackle the issue, so I would not back the options being proposed by Alexander Burnett. It is clear that, although the body count of raptors is down, we still have a problem with wildlife crime, particularly around driven grouse moor estates. The population data for those areas suggests that we should have far higher numbers of raptor species and far greater diversity in those areas than we do at the moment.

We have also seen in the public domain strong evidence of wildlife crime, yet the Crown Office and Procurator Fiscal Service has failed to take those cases forward. That all points to the need for a much lower burden of proof so that we can tackle the issue once and for all. Of course there are good estates out there that are meeting the terms of the law and are carrying out good practice; I do not think that they would have anything to be concerned about if a licensing scheme was brought in.

There is a concern about vexatious evidence tampering and people with grudges who might try to set up well-meaning estates. I do not believe that that concern is widespread, but it is important, in considering the development of any licensing scheme, that that is taken seriously into account.

I would have preferred a slightly stronger recommendation than option 2—one that had clear timescales for the Scottish Government to act—but I am prepared to back option 2 as a compromise that keeps this important issue going and pushes us in a direction of light-touch regulation that gets the job done and restores our raptor species in Scotland.

**Emma Harper:** I have also written a couple of notes. I am a new member of the Parliament and I have no direct experience of shooting processes, grouse moor management or anything like that, apart from the evidence that I have heard in committee and what I have read.

As a member of the committee, I, too, thank Logan Steele for his petition and his diligent work in progressing it. I agree with Kate Forbes that raptor crime needs to continue to be addressed. As a South Scotland MSP, I am acutely aware that people have contacted me to support further engagement and at least doing something about raptor crime. It appears that a really small number of people are participating in criminal activity and I am sure that the majority of estate owners and gamekeepers are acting lawfully. That needs to be made clear.

Something further needs to be done, however, and I am keen to pursue option 2, especially in relation to looking at intensive grouse moor management systems, not just a blanket statement of licensing for everybody. Perhaps we need to target that particular area.

**Angus MacDonald:** The most salient point of option 2 is that

“there does not appear to be a significant problem of raptor persecution in relation to walk-up grouse moors”

but, as we have heard,

“there does appear to be an issue”

with regard to intensive grouse management. It is imperative that the Scottish Government explores with stakeholders the need for or the benefit of such a licensing system.

The jury is still out, which is why I believe that the Scottish Government should do more work, including looking at carrying out a pilot or a trial. I believe that we should keep the petition open, pending further responses from the cabinet secretary.

**Richard Lyle:** I have a confession to make. My son stays in Mr Burnett’s constituency and, having had the experience of going up there and knowing how much shooting is part and parcel of the Scottish way of life and how much businesses depend on it, on this occasion, I have to support Mr Burnett.

I am looking at the cabinet secretary’s letter. She writes:

“The Scottish Government has made a number of changes to the law in recent years to tackle illegal raptor killing, including the introduction of vicarious liability for certain offences”.

She continues:

“As regards licensing, it is worth recalling that we repealed the requirement for individual hunters to purchase an annual licence in 2011 as it was not thought to serve any useful purpose. I think it is unlikely that there is any case for this sort of licensing to be reintroduced.”

She goes on to say that she would like to be clear that it would

“require primary legislation to bring into force which could well be difficult and contentious ... A licensing scheme may be a useful addition to the toolbox, but it will still depend on someone gathering evidence of wrong-doing in order to justify removal of a licence to operate a business.”

I abhor the illegal killing of raptors and other birds. I abhor that in any form. However, option 2 is not for me. I support Mr Burnett.

**The Convener:** Thank you. No other member is indicating that they want to comment.

This has been a challenging issue on which to come to a conclusion. Like other members, I thought that the petitioner’s evidence was reasoned and that he was commendably honest in acknowledging that he does not have all the answers.

There is no doubt that we have to do more to tackle the issue. Simply drawing the cabinet

secretary’s attention to the transcript of this meeting and closing the petition is not an option that I can support.

However, like other members, I have concerns about introducing a regime that would cover all game bird shooting. Raptor persecution is not entirely confined to areas where intensive driven grouse management practices are to the fore, but the majority of incidents occur in those areas and there are hot spots. We need a targeted approach.

I support option 2 and, in particular, the suggestion that the Government explore a regime that is targeted at intensive driven grouse shooting. In my view, we should not tar every shooting business, estate and gamekeeper with the same brush; we need to marginalise the bad guys.

I also support consultation on what a licensing regime might encompass. It strikes me that adherence to the muirburn code and restrictions on the use of medicated grit and mountain hare culls could form part of a licensing regime, but that would be for the stakeholder group to take forward—if the committee supported option 2 and the Government chose to take it forward.

Some of the suggestions for change that have come from Scottish Land & Estates, among others, are a welcome contribution to the debate and are in keeping with SLE’s stance on raptor crime, in particular. I hope that those suggestions might be considered alongside the proposals in option 2.

Like other members, I support option 2, because it is the most appropriate recommendation that the committee could make.

If there are no further comments from members, we will move to a vote. In essence, there are three options on the table. I will clarify them and ensure that members are content with them. Option 1 is that we draw the cabinet secretary’s attention to the transcript of this meeting and close the petition. Option 2 is as set out in our papers. Option 3 is the one that Mr Burnett put forward—I will bring him in, so that we can be clear about what it is.

**Alexander Burnett:** Option 3 is to close the petition and to recommend to the cabinet secretary that discussions are progressed in line with the submission from Scottish Land & Estates and others.

**The Convener:** Thank you. We will vote on the options in order. Are members in favour of option 1?

**Members:** No.

**The Convener:** There will be a division.

**Against**

Beamish, Claudia (South Scotland) (Lab)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Golden, Maurice (West Scotland) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)

**The Convener:** The result of the division is: For 0, Against 10, Abstentions 0. Are members in favour of option 2?

**Members:** No.

**The Convener:** There will be a division.

**For**

Beamish, Claudia (South Scotland) (Lab)  
 Dey, Graeme (Angus South) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Harper, Emma (South Scotland) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)

**Against**

Burnett, Alexander (Aberdeenshire West) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)

**The Convener:** The result of the division is: For 6, Against 4, Abstentions 0. Are members in favour of option 3?

**Members:** No.

**The Convener:** There will be a division.

**For**

Burnett, Alexander (Aberdeenshire West) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)

**Against**

Beamish, Claudia (South Scotland) (Lab)  
 Dey, Graeme (Angus South) (SNP)  
 Harper, Emma (South Scotland) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)

**Abstentions**

Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)

**The Convener:** The result of the division is: For 4, Against 5, Abstentions 1.

The committee's decision, by majority, is to support option 2. We will therefore write to the cabinet secretary. For the purposes of clarity, are members minded, regardless of the decision that we have reached, to draw the cabinet secretary's attention to the proposals from Scottish Land & Estates—simply noting them? Is there any objection to that?

**Mark Ruskell:** Convener, I would be uncomfortable if we were endorsing those proposals. However, I am content for them to be noted.

**The Convener:** Do members agree that in our letter to the cabinet secretary we will note the comments of SLE?

**Members indicated agreement.**

**The Convener:** Are members happy for me to write that letter, along the lines that we have agreed?

**Members indicated agreement.**

**Kate Forbes:** Yes, on the proviso that the letter says that the committee is not unanimous in taking a view that game bird licensing is the answer.

**The Convener:** Yes. The letter will reflect the views that committee members have expressed today.

At our next meeting, the committee will consider subordinate legislation on tail shortening in working dogs. As agreed earlier, we now move into private session. I ask that the public gallery be cleared, as the public part of the meeting is closed.

11:46

*Meeting continued in private until 12:02.*

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.

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