



The Scottish Parliament
Pàrlamaid na h-Alba

Published 25 January 2024
SP Paper 512
1st Report, 2024 (Session 6)

Rural Affairs and Islands Committee

Subordinate legislation considered by the Rural Affairs and Islands Committee on 24 January 2024



Published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish
Parliament website at:
[http://www.parliament.scot/abouttheparliament/
91279.aspx](http://www.parliament.scot/abouttheparliament/91279.aspx)

For information on the Scottish Parliament contact
Public Information on:
Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@parliament.scot

Contents

Executive Summary	1
The Code of Practice for the Welfare of Pigs (Revocation) (Scotland) Notice 2023	2
Delegated Powers and Law Reform Committee consideration	2
Rural Affairs and Islands Committee consideration	2
The Welfare of Farmed Animals (Scotland) Amendment Regulations 2024	3
Delegated Powers and Law Reform Committee consideration	4
Rural Affairs and Islands Committee consideration	4

Rural Affairs and Islands Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands, with the exception of matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland, and Royal Botanic Garden.



rural.committee@parliament.scot

Committee Membership



Convener
Finlay Carson
Scottish Conservative
and Unionist Party



Deputy Convener
Beatrice Wishart
Scottish Liberal
Democrats



Karen Adam
Scottish National Party



Alasdair Allan
Scottish National Party



Ariane Burgess
Scottish Green Party



Jim Fairlie
Scottish National Party



Rhoda Grant
Scottish Labour



Rachael Hamilton
Scottish Conservative
and Unionist Party



Kate Forbes
Scottish National Party

Executive Summary

1. This report details the Rural Affairs and Island Committee's consideration of —
 - [The Code of Practice for the Welfare of Pigs \(Revocation\) \(Scotland\) Notice 2023](#); and
 - [The Welfare of Farmed Animals \(Scotland\) Amendment Regulations 2024](#)

The Committee agreed to recommend to the Parliament that it approve both the notice and the instrument.

The Code of Practice for the Welfare of Pigs (Revocation) (Scotland) Notice 2023

2. The purpose of the notice is to revoke the [Code of Practice for the Welfare of Pigs](#), which was published by the Scottish Ministers on 23 April 2012. The code is being replaced by the [Guidance for the Welfare of Pigs](#), under the Welfare of Farmed Animals (Scotland) Amendment Regulations 2024.
3. Further information relating to the Scottish Government's reasons for revoking the code, and replacing it with guidance, is set out in the second section of this report.

Delegated Powers and Law Reform Committee consideration

4. The Delegated Powers and Law Reform Committee considered the notice at its meeting on [12 December 2023](#) and agreed that no points arose.

Rural Affairs and Islands Committee consideration

5. At its meeting on 24 January 2024, the Rural Affairs and Islands Committee took evidence on the notice from the Minister for Energy and the Environment and Scottish Government officials.
6. The Minister made some opening remarks, setting out the purpose and objective of the instrument.
7. Following the evidence session, the Minister moved motion [S6M-11748](#) —

That the Rural Affairs and Islands Committee recommends that the Code of Practice for the Welfare of Pigs (Revocation) (Scotland) Notice 2023 (SG/2023/304) be approved.
8. The motion was agreed to without division.

The Rural Affairs and Islands Committee recommends that the Code of Practice for the Welfare of Pigs (Revocation) (Scotland) Notice 2023 (SG/2023/304) be approved.

The Welfare of Farmed Animals (Scotland) Amendment Regulations 2024

9. The purpose of the instrument is to amend regulation 7A(2) of the Welfare of Farmed Animals (Scotland) Regulations 2010, to include the “Guidance for the Welfare Pigs” in the definition of “animal welfare guidance” referred to in regulation 7A. Regulation 7A places certain requirements on persons responsible for farmed animals in relation to “animal welfare guidance”.
10. The Scottish Government is responsible for producing good practice recommendations for the welfare of a range of farmed animals, including pigs. The Guidance for the Welfare of Pigs was published on 20 November 2023 and will replace the Code of Practice for the Welfare of Pigs which was published in 2012.
11. According to the policy note, these good practice documents have generally been published as codes of practice which have the status of “animal welfare codes”, under section 37 of the Animal Health and Welfare (Scotland) Act 2006 . More recently, however, the Scottish Government has published its good practice documents in the form of guidance, under section 38 of the Animal Health and Welfare (Scotland) Act 2006.
12. Regulation 7 of the 2010 Regulations requires anyone responsible for a farmed animal to be acquainted with, and have access to, any relevant code of practice and to ensure that anyone employed or engaged by them is also acquainted with the code, has access to it and has received instruction in it.
13. The policy note explains that, following the publication of the Scottish Government’s first guidance document for the welfare of farmed animals (guidance for the welfare of meat chickens and meat breeding chickens) in 2019, the 2010 Regulations were amended to insert a new provision, regulation 7A, setting out similar requirements as those in regulation 7, but in relation to animal welfare guidance.
14. The effect of the amendment made by the 2019 Regulations is that anyone responsible for a farmed animal must now be acquainted with, and have access to, any relevant animal welfare guidance, and must ensure that anyone employed or engaged by them is also acquainted with the guidance, has access to it and has received instruction on it. It therefore gave animal welfare guidance similar status to that of codes of practice in terms of the requirements placed upon a person responsible for farmed animals.
15. Codes of practice made under section 37 of the Animal Health and Welfare (Scotland) Act 2006 are subject to different provisions relating to the consultation and parliamentary scrutiny of a code before it is made and how Scottish Ministers must publicise the code after it has been made. These provisions would not apply to any guidance made under section 38 (animal welfare guidance).
16. In advance of the Committee’s consideration of the instrument, committee clerks contacted the Scottish Government to ask for further information regarding the decision to replace the previous animal welfare code of practice with animal welfare guidance, noting the differing provisions relating to animal welfare codes and animal welfare guidance set out in the Animal Health and Welfare (Scotland) Act 2006.

17. The [Scottish Government's response of 20 December 2023](#) explains that the 2018 Programme for Government made a commitment to update codes of practice for the welfare of farmed animals and that “the main reason for moving from animal welfare codes to guidance is to provide a more practical method for good practice information to be published and updated quickly in order to keep stockkeepers up to date with developing scientific evidence and the latest recommendations, and thereby better promote animal welfare”.
18. The response also states that it is the Scottish Government's intention, when producing guidance documents, to mirror the consultation and publication requirements for animal welfare codes as far as possible.
19. While there is no formal consultation requirement for guidance documents, the Scottish Government's response states that “officials have worked very closely with a wide range of industry and welfare stakeholders in the production of the three guidance documents published so far, and stakeholders have been largely content with the documents produced”.
20. With regards to parliamentary oversight, the response notes that, although there is no requirement for parliamentary scrutiny of guidance documents, guidance does not become relevant “animal welfare guidance” for the purposes of regulation 7A of the Welfare of Farmed Animals (Scotland) Regulations 2010 (“the 2010 Regulations”) until it is added to the list of guidance in regulation 7A(2). This must be done by subordinate legislation under the affirmative procedure and, therefore, would be subject to a level of parliamentary scrutiny at that point.
21. The response further notes that industry and welfare stakeholders have been involved in drafting each of the three guidance documents produced so far and, have been “largely content with their recommendations”. Further information on the organisations involved in drafting, or consulted on the content of, the guidance for the welfare of pigs is provided on page three of the response.

Delegated Powers and Law Reform Committee consideration

22. The Delegated Powers and Law Reform Committee considered the Notice at its meeting on [12 December 2023](#) and agreed that no points arose.

Rural Affairs and Islands Committee consideration

23. At its meeting on 24 January 2024, the Rural Affairs and Islands Committee took evidence on the instrument from the Minister for Energy and the Environment and Scottish Government officials.
24. The Minister made some opening remarks, setting out the purpose and objective of the instrument.
25. The Committee asked for further information regarding the decision to replace the code of practice with guidance. In her response, the Minister referred to her letter to the Committee of 20 December, which stated –

” The main reason for moving from animal welfare codes to guidance is to provide a more practical method for good practice information to be published and updated quickly in order to keep stockkeepers up to date with developing scientific evidence and the latest recommendations, and thereby better promote animal welfare. What is considered to be good practice in the area of animal welfare is constantly changing, and it is important that the information issued, and requirements made, by government are kept up to date. The formal process for producing animal welfare codes is highly resource consuming, requiring significant official and parliamentary time, which means that it is difficult to update animal welfare codes as often as is ideal for animal welfare purposes.

26. The Committee also asked about the level of consultation involved in producing the welfare of pigs guidance, particularly given the Minister's earlier comments regarding the need for guidance to be adapted quickly. The Minister explained that, while there is no statutory obligation on the Scottish Government to consult on proposed changes to the guidance, stakeholders were extensively consulted ahead of the guidance being produced and no concerns were raised.
27. The Committee asked about the level of parliamentary scrutiny for guidance documents, noting that there is no formal role for Parliament under section 38 of the Animal Health and Welfare (Scotland) Act 2006. The Minister sought to reassure the Committee that guidance was technical in nature and did not represent a departure from existing policy.
28. Finally, the Committee asked what options would be available to it if stakeholders raised concerns relating to future guidance. The Minister told the Committee she would be happy to provide further evidence to the Committee at any time.
29. Following the evidence session, the Minister moved motion [S6M-11549](#)—

That the Rural Affairs and Islands Committee recommends that the Welfare of Farmed Animals (Scotland) Amendment Regulations 2024 [draft] be approved.
30. The motion was agreed to without division.

The Rural Affairs and Islands Committee recommends that the Welfare of Farmed Animals (Scotland) Amendment Regulations 2024 [draft] be approved.

