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## Rural Affairs and Islands Committee

# Subordinate legislation considered by the Rural Affairs and Islands Committee on 30 October 2024



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# 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.



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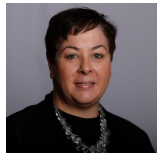
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Scottish National Party

# Executive Summary

1. This report details the Rural Affairs and Islands Committee's consideration of [The Free-Range Egg Marketing Standards \(Amendment\) \(Scotland\) Regulations 2024 \[draft\]](#).
2. The Committee agreed to recommend to the Parliament that it approve the instrument.

# Introduction

3. The Free-Range Egg Marketing Standards (Amendment) (Scotland) Regulations 2024 [draft] were laid in the Scottish Parliament on 2 October 2024 and are subject to the affirmative procedure. The draft instrument was referred to the Rural Affairs and Islands Committee for consideration.
4. The Regulations would amend assimilated EU law to remove a 16-week limit for labelling of eggs as 'free range' when producers are subject to a housing order. This would allow eggs to be labelled as free range throughout the period of a housing order.

# Background

5. Eggs can be marketed as 'free-range' if they meet certain welfare standards regarding access to outdoor spaces. To protect against the spread of diseases such as Avian Flu, the Scottish Government can impose housing orders for poultry to be kept indoors. When a housing order is introduced, currently poultry producers may continue to market egg products as 'free-range' for a period of 16 weeks.
6. The policy note explained that in recent years due to concerns around Avian Flu, housing orders have extended beyond the 16-week limit, meaning some producers were required to change their labelling to 'barn' eggs. The purpose of this instrument is to remove the 16-week derogation period for marketing of free-range eggs. This would enable producers subject to a housing order to continue to market their eggs as free-range throughout the period in which these measures are in place.
7. The policy note says the Regulations would ensure Scotland is aligned with the developments in egg marketing at both a UK and EU level. It says if these changes were not enacted this "would be to the detriment of the industry in Scotland considering the costs of having to amend the labelling which industry in other parts of the UK and in the EU would not face".



# Consultation

8. The Scottish Government and DEFRA issued a joint consultation on proposals to remove the 16-week limit in England and Scotland. The policy note explains that 70% of all respondents and 84% of Scottish respondents agreed with the removal of the derogation period.
9. The policy note outlines that some concerns were expressed by respondents to the consultation regarding how the public would be made aware of whether egg products had been subject to a housing order. The Scottish Government said in response to these concerns it will take additional steps "to inform the public and media of their introduction".

# Impact assessments

10. The Scottish Government has prepared a [Business and Regulatory Impact Assessment](#) for the instrument. It has also published a [Children's Rights and Welfare Impact Assessment](#) for the Regulations.

# Delegated Powers and Law Reform Committee consideration

11. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on [8 October 2024](#). It agreed to make no recommendation in relation to the instrument.

# Rural Affairs and Islands Committee consideration

12. At its meeting on 30 October 2024, the Rural Affairs and Islands Committee took evidence from the Minister for Agriculture and Connectivity and Scottish Government officials. [Read the Official Report - 30 October 2024.](#)
13. The Minister made some opening remarks, setting out the purpose and objective of the instrument.
14. The Committee queried the reasons for why some respondents to the joint consultation did not support the proposals in the instrument. The Minister said a minority of stakeholders said there may be confusion around labelling arrangements and stated the Scottish Government would seek to address this issue with additional communication activities when a housing order was in place.
15. The Committee asked how the Scottish Government's engagement work would operate in practice. The Minister said the following steps would be taken by the Scottish Government when a housing order was issued:
  - A public announcement would be made by the Scottish Government's Chief Veterinary Officer;
  - Communications would be issued on social media platforms;
  - Emails would be sent to key stakeholders; and
  - Public information notices would also be issued.
16. The Minister said there was no legal requirement for supermarkets to undertake their own engagement work relating to egg products sold to consumers but many had previously chosen to do so.
17. The Committee asked if there would be any negative effects on barn egg producers as a result of the instrument. The Minister said he was unaware of any issues but undertook to provide further information to the Committee if any problems had been identified.

## Conclusion

18. Following the conclusion of evidence taking, the Minister moved motion [S6M-14816](#): that the Rural Affairs and Islands Committee recommends that the Free-Range Egg Marketing Standards (Amendment) (Scotland) Regulations 2024 [draft] be approved.
19. The motion was agreed to without debate or division.
20. The Rural Affairs and Islands Committee recommends that the Free-Range Egg Marketing Standards (Amendment) (Scotland) Regulations 2024 [draft] be approved.

