

Scottish Animal Welfare Commission

**Review of Scottish Government Activity
affecting the Welfare of Animals, as
Sentient Beings**

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1. Background

This is the fourth review by the Scottish Animal Welfare Commission (SAWC) of Scottish Government activity affecting the welfare of animals in Scotland.

Under Regulation 5(2)(b) of the Scottish Animal Welfare Commission Regulations 2020, one of the functions of SAWC is to provide advice on any matters concerning the welfare of protected animals on which SAWC considers it should offer its advice.

At its inaugural meeting in March 2020, SAWC agreed that, in addition to its obligation under Regulation 14 of the 2020 Regulations to report on its own activities to the Scottish Ministers and Scottish Parliament, it would be desirable also to review relevant activity by the Scottish Government.

SAWC believed that such a review would facilitate its provision of advice to promote the welfare of animals in Scotland. It would also go some way towards replacing the requirement, previously placed upon the UK government (and thereby, the four administrations) by Article 13 of the Treaty on the Functioning of the European Union (TFEU), to pay full regard to animal welfare.

In its first review, published in November 2021, the Commission reviewed the activities of the Scottish Government from 12 May 2016 - 5 May 2021 (Session 5 of the Scottish Parliament), including its legislative proposals and delivery.

The second review considered progress against the “Programme for Government 2021-2022 A Fairer, Greener Scotland” (“the 2021-22 Programme”) during the first year of Session 6.

The third review considered the second year of Session 6, covered by the “Programme for Government 2022-2023 A Stronger and More Resilient Scotland (“the 2022-2023 Programme”).”

This review considers the third year of Session 6, covered by the [“Programme for Government 2023-2024 Equality, Opportunity, Community \(“the 2023-2024 Programme”\)”](#).

While the focus of the review is Scottish Government policy and legislation, which is consistent with the SAWC function of providing advice to the Scottish Ministers, legislation and policy developments emanating from other sources including the UK Government and Members of the Scottish Parliament are also covered for completeness.

2. Programme for Government

The Scottish Government issued the 2023-2024 Programme in September 2023, setting out its commitments for the coming parliamentary year. These were made in the context of what the then First Minister, Humza Yousaf MSP, described in the Programme foreword as “one of the most difficult public spending environments that this devolved Parliament has ever seen”. The main aims of the Programme focussed on reducing poverty, promoting growth “which is both fair and green”, and

on delivering high quality public services. As in previous years, considerable emphasis was placed on addressing the impacts of climate change, with the Cabinet Secretary for Transport, Net Zero and Just Transition, Máiri McAllan MSP, stating:

“Tackling the climate crisis also means protecting our natural environment by halting the loss of habitat and biodiversity. Loss of species and degradation of ecosystems and habitats pose real risks to Scotland’s nature on which our future wellbeing depends.”

Ms McAllan committed to publishing Scotland’s Biodiversity Strategy and building on the international engagement undertaken in developing the Edinburgh Declaration adopted at COP15. Consultation on statutory nature recovery targets and protecting 30% of Scotland’s land and sea for nature by 2030 was to be undertaken in preparation for the introduction of a Natural Environment Bill to Parliament. £500 million was to be invested to drive landscape scale change, including a £65 million Nature Restoration Fund and new financial support for Nature Networks.

The Cabinet Secretary for Rural Affairs, Land Reform and the Islands, Mairi Gougeon MSP, undertook to continue the Agricultural Reform Programme to produce more food sustainably, cut carbon emissions and farm with nature, by increasing the uptake of carbon audits, soil testing and biodiversity audits, and funding to improve animal health. The Scottish Government would consult on phasing out cages for gamebirds and laying hens, and publish its response to the consultation on extending the framework for licensing activities involving animals.

An Agriculture (Scotland) Bill was announced for introduction during 2023-2024, providing powers to deliver the Scottish Government’s Vision for Agriculture to replace current common agricultural policy schemes through an adaptive support framework that focuses on high quality food production, climate mitigation and adaptation, nature protection and restoration, and wider rural development.

A new aquaculture consenting process was to be piloted in two local authority areas and a new Technical Standard for Scottish Finfish Aquaculture was to be introduced to reduce the risk of escapes from fish farms.

Ms Gougeon also committed to completing implementation of the recommendations of the Werritty Review through the passage of the Wildlife Management and Muirburn (Scotland) Bill (see section 3), introduced in March 2023, and to use the Bill to introduce a ban on snaring in Scotland.

While some of these commitments are tangential, rather than fundamental, to the welfare of sentient individual animals in Scotland, they are mentioned here because such overarching aims do have the potential to affect animal welfare and this merits a degree of monitoring. The commitments with direct relevance to animal welfare – covering cages for gamebirds and laying hens, licensing of activities involving animals, and the regulation of traps and snares – are discussed in more detail in sections 3 and 5 below. Policy and legislation work initiated prior to the period covered by the 2023-2024 Programme are also covered in this report.

3. Scottish Government Legislation and Policy Implementation

The Spring Traps Approval (Scotland) Amendment Order 2023

The Order, amending the list of approved traps and the species, which they are approved to take under the Spring Traps Approval (Scotland) Order 2011, as amended, came into force on 1 January 2024.

Agriculture and Rural Communities (Scotland) Act 2024

The Agriculture and Rural Communities (Scotland) Bill was introduced in September 2023 and passed by the Scottish Parliament in June 2024. The Bill was designed to build on existing powers to provide support to farmers for animal health and welfare, by allowing the Scottish Ministers to make meeting minimum animal health, welfare and biosecurity requirements a condition to receive farm support, and to provide funding for measures that improve farm animal health and welfare. The Bill also increased the powers of the Scottish Ministers relating to animal health and identity, welfare and genetic resources, and plant health

As a framework Bill, it provided for the creation of rural support plans and support schemes for agriculture, forestry, rural communities and development, but did not provide any detail of the schemes. A draft Rural Support Plan was published in June 2024, setting out how the objectives of the Agricultural and Rural Communities (Scotland) Act 2024 were intended to deliver the Scottish Government's Vision for Scottish Agriculture.

One objective of agriculture policy set out in the Bill was "the production of high-quality food", although this term has not been defined. As seen in our comments on the Good Food Nation Plan elsewhere in this review, SAWC believes that high standards of animal welfare are intrinsic to high quality food production.

SAWC supported the objectives of the Bill and the aspirations set out in the Policy Memorandum for "a continuous improvement in animal health and welfare in order to better protect and enhance animal health and welfare, to facilitate efficient production and to promote trade and meet consumer confidence."

SAWC agreed with the overarching objectives of the Bill, but sought more explicit recognition of high animal welfare as an objective in its own right, noting the importance of welfare for animals, Scottish citizens and consumers. SAWC was concerned that, according to the Policy Memorandum, Tier 1 payments would only require recipients to meet minimum production standards of animal health and welfare and do not provide any aspiration for improvements. SAWC looks forward to further discussion on standards prior to the laying of secondary legislation.

Animal Welfare and Food Safety International Professional Qualification Recognition Agreement Implementation)(Miscellaneous Amendment)(Scotland) Regulations 2023

These regulations amend the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012 and the Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013, following the free trade agreement between Iceland, the Principality of Liechtenstein and the Kingdom of Norway ("the specified EFTA states") and the United Kingdom. They relate to the recognition of qualifications

achieved in the EFTA state with regard to the killing of animals or acting as a food examiner.

Restrictions on XL Bully dogs

The Dangerous Dogs (Designated Types) (Scotland) Order 2024 and the Dangerous Dogs (Compensation and Exemption Schemes) (Scotland) Order 2024 (legislation came into force, requiring owners of XL Bully dogs to obtain an exemption certificate by 31 July 2024 and have their dogs neutered, as well as keeping them on a lead and wearing a muzzle in public.

SAWC wrote to the Minister for Victims and Community Safety in December 2023, prior to the decision to restrict keeping of XL Bully dogs, pointing out the “apparently cavalier and simplistic manner” in which the policy had been introduced in England, “with little apparent concern for dog welfare”. SAWC highlighted the pitfalls of introducing the same measures in Scotland, questioning the efficacy of an XL Bully “ban”, the difficulty of “typing” a dog, the potential strain on Police Scotland resources, and the challenges to veterinary capacity and animal welfare charities. Despite this, the Scottish Government decided to implement the same measures as England following an influx of dogs from south of the border. SAWC agrees with the view of animal welfare charities that a more sustainable approach to protecting the public would focus on responsible breeding and ownership of dogs, rather than breed-specific legislation.

Wildlife Management and Muirburn (Scotland) Act 2024

The Wildlife Management and Muirburn (Scotland) Bill was passed on 21 March 2024, and became an Act on 30 April 2024. It was introduced to address raptor persecution and ensure that the management of grouse moors and related activities are undertaken in an environmentally sustainable and welfare-conscious manner. The Act implements the recommendations of the independent review of grouse moor management (the “Werritty” review).

The main provisions of the Act cover new licensing regimes for land used for the killing and taking of red grouse and for muirburn on any land. It introduces measures to prohibit the use of glue traps, to regulate wildlife traps used for taking wild birds and mammals through a licensing scheme, and includes enabling powers to allow Scottish Ministers to extend the role of inspectors appointed under the Animal Health and Welfare (Scotland) Act 2006 to investigate certain wildlife offences. The Act also licenses all muirburn and bans muirburn on peatland except for limited purposes.

SAWC supported the Bill and provided written and oral evidence regarding the animal suffering caused by wildlife traps as well as by the use of snares.

Following a wider review of snaring and a public consultation that cited SAWC advice on the welfare impacts of snares, the Bill was amended at Stage 2 to introduce a full ban on all snares in Scotland. This includes a ban on modified cable restraints that were recommended by industry as meeting international humane trapping standards, an assessment that SAWC disputed.

SAWC has confirmed with Scottish Government officials that the ban on snares will be followed by removal of the WCS Collarum snare from the Spring Traps (Approval)

Order (Scotland) 2011 Order. SAWC has previously queried the inclusion of this trap in the 2011 Order as anomalous.

In July 2024, NatureScot published the Code of Practice for Grouse Moor Management, required as part of the grouse moor licensing provisions. This Code was drafted with input from a Grouse Code Working Group representing environmental NGOs, land management and sporting interests. The Code sets out the regulatory requirements associated with managing grouse moors and will, in due course, provide links to relevant Moorland Management Best Practice and other guidance. Following consultation, SAWC was pleased that the good practice section was amended to include advice that practitioners take wildlife welfare into account in management decisions. We expressed concern, however, that the best practice guidance referenced in the code – in particular, the proposed guidance on predator control – was not available at the time of publication and at the time of writing this report has still not been seen.

Hunting with dogs

Following the passage of the Hunting with Dogs (Scotland) Act in January 2023, the Scottish Government, through NatureScot, undertook the licensing and regulatory functions required under the Act.

The Act provides that it is an offence to chase and/or kill a wild mammal using a dog. It also introduces new measures to:

- Limit to two the number of dogs that can be used to search for, stalk or flush mammals from cover above ground;
- Introduce a licensing scheme for the use of more than two dogs to search for, stalk or flush wild mammals above ground, in certain limited circumstances;
- Limit to one the number of dogs that can be used to search for or flush foxes or mink from cover below ground;
- Prohibit the activity known as trail hunting (the activity of directing a dog to find and follow an animal-based scent).

In drawing up conditions and guidance for the licensed use of more than two dogs, NatureScot consulted with a wide range of stakeholders including animal welfare organisations. SAWC has not taken part in stakeholder discussions, but has regular meetings with NatureScot officials where views and ideas are exchanged.

4. Members' Bills

Welfare of Dogs (Scotland) Bill

The Welfare of Dogs (Scotland) Bill was introduced in June 2023 and passed Stage 1 on 9 May 2024. This Member's Bill, lodged by Christine Grahame MSP, requires the Scottish Government to issue a statutory Code of Practice for buyers of puppies and give powers to introduce registration of litters of puppies before they are sold or transferred.

In its Stage 1 response to the Rural Affairs and Islands Committee, SAWC supported the policy objectives of the Bill:

“to improve the health and wellbeing of dogs throughout their lives, by establishing a more responsible and informed approach to acquiring and owning a dog; and by making provision for the regulation of the selling or transferring of puppies from unlicensed litters”.

SAWC noted that there was little reference to the process of acquiring a dog in the existing Scottish Government code of practice for the welfare of dogs and that there was potential for the new code, proposed by the Bill, to spell out the relevant considerations and steps to be taken before acquiring a dog. SAWC considered it undesirable for there to be more than one code of practice relating to dogs and recommended that the Scottish Ministers introduce a revised code under the combined authority of the 2006 Act and the Bill, once enacted.

The Scottish Government supported the principles of the Bill, but was not in favour of the registration sections of the Bill and at Stage 1 and the Member agreed to withdraw these. This was at variance with the view of SAWC, which commented:

“the present situation whereby the breeding of some puppies is regulated, while the breeding of others remains entirely unregulated, is confusing for the public, an invitation to the unscrupulous to avoid regulation, and hampers effective enforcement of the existing licensing provisions. In the interests of promoting traceability, transparency, and accountability – and thereby promoting better welfare – the Commission is strongly in favour of bringing all those who breed dogs within a scheme of regulation.”

SAWC suggested that this might be achieved by extending the current arrangements for the licensing of dog breeders to include those registered under the proposed new system.

Proposed Prohibition of Greyhound Racing (Scotland) Bill

A proposal for a Member’s Bill to prohibit greyhound racing was lodged in February 2024 by Mark Ruskell MSP and the right to introduce a Bill was secured in June 2024. The Scottish Government has taken a neutral position on this Bill pending sight of a detailed draft. The Minister for Agriculture and Connectivity has previously stated, in response to a Petition to the Scottish Parliament “PE1758 End greyhound racing In Scotland”, that the Scottish Government remains to be convinced that complete prohibition would be proportionate. SAWC reported on the welfare issues surrounding greyhound racing in Scotland in 2023 and this report was extensively cited in the Member’s consultation on his proposals.

5. Scottish Government Consultations

The 2021-2022 Programme included commitments for consultations on proposals to improve animal transport legislation, and phase out cages for gamebirds and laying hens, and farrowing crates for pigs. With the exception of farrowing crates, these topics were reiterated in the 2023-2024 Programme.

A consultation on phasing out cages for laying hens ran from 2 April to 25 June 2024. SAWC supported the proposals for a full ban on enriched cages in Scotland across

the laying hen sector, but argued for a phase-in period shorter than the proposed 10 years, if possible.

A call for evidence on housing systems in use for gamebirds and quail in Scotland ran from 22 April to 12 July 2024.

Licensing of activities involving animals

A consultation on legislation to extend the framework for licensing activities involving animals was launched in July 2023, covering dog walking, dog grooming, canine fertility clinics, greyhound racing, animal boarding and equine establishments. The analysis of consultation responses was published in February 2024 and indicated strong support from animal welfare stakeholders for most of the proposals, although there were divided views on the licensing of greyhound racing in Scotland. Many respondents, including SAWC, expressed concerns about the capacity of local authorities to resource enforcement of further licensing controls, and these were acknowledged in the Scottish Government analysis, which noted:

“Those raising these concerns commented that enforcement of existing legislation is already lacking due to many councils redirecting resource to higher priority areas. It was recognised by many that local authorities are under significant pressure and that without additional resource (staff and training) enforcement would, at best, be patchy.”

An issue of particular concern covered in the consultation was the growth of the canine fertility clinic industry in Scotland and across the UK. SAWC noted in its response that some clinics appear to be offering services that should, under the Veterinary Surgeons Act 1966, only be performed by qualified veterinary surgeons, with no indication that these services are actually being performed by veterinarians. SAWC supports Scottish Government proposals to take steps to regulate these businesses, which are known to pose risks to animal welfare as well as fuelling the trade in dogs with extreme conformation.

Further consultation on performing animals and other “animal experiences” is expected in 2024/25.

National Good Food Nation Plan

The Good Food Nation (Scotland) Act 2022 requires the Scottish Ministers to publish a national Good Food Nation Plan and to have regard to the scope for food-related issues to affect outcomes in relation to a number of matters of public interest, including animal welfare and the natural environment.

In January 2024, the first Good Food Nation Plan was published, containing six Outcomes, along with a consultation on proposed targets and indicators to measure progress on the Outcomes. SAWC supported the Outcomes for the benefits they offer to people in Scotland, while believing that there is scope for greater ambition for animal welfare within the targets and indicators. SAWC welcomed the inclusion of animal welfare in Outcome 2, which relates to a sustainable food system, but suggested adding a further target that all farmed animals in Scotland have a life worth living, with as many as possible enjoying a good life. This draws on the

approach long advocated by the Farm Animal Welfare Council (FAWC) (now the Animal Welfare Committee (AWC)). In our response to the consultation, we stated:

“Ethically, there can be no justification for breeding any animal, least of all an animal intended to provide food for humans, that is not destined to have a life worth living.”

We also suggested that animal welfare should be referenced in the targets and indicators for other Outcomes, including Outcome 4 on the health of the food sector and Outcome 6 which includes “high-quality food”.

SAWC is aware that work is now underway to include animal welfare targets in the Plan, although specific targets are being delayed for future iterations of the Plan .

With regard to the proposed indicators, we suggested that progressing consultations on phasing out cages for gamebirds and laying hens, phasing out farrowing crates for pigs, the castration and tail-docking of lambs, and the slaughter of farmed fish could be framed within a specific animal welfare indicator.

National Outcomes

The Community Empowerment (Scotland) Act 2015 requires Scottish Ministers to continue setting National Outcomes for Scotland, which guide the work of public authorities.

The Scottish Ministers must develop and publish a set of National Outcomes, following consultation with community representatives and the Scottish Parliament. Public authorities and other organisations that carry out public functions must have regard to the National Outcomes in carrying out their devolved functions. In May 2024, the Scottish Government laid proposals for revised National Outcomes before the Finance and Public Administration Committee of the Scottish Parliament, which, in turn, called for stakeholder views.

Responding to this consultation, SAWC suggested that the National Outcomes should take account of the welfare needs of sentient animals in Scotland and should contain content specific to those matters. We argued that it is not ethically justified to consider human wellbeing in isolation from that of non-human animals, who are affected by our use of animals, our behaviour, our presence and our impact on the shared environment.

Additionally, on a practical level, the interactions between human and non-human animal health and welfare are known to have both positive and negative effects on both sectors. One example of these interactions is the spread of zoonotic diseases such as various types of influenza and coronavirus. Another is the risk to human and animal health caused by antimicrobial resistance, which is related to widespread use of antibiotics to treat animal health and welfare conditions arising in intensive farming systems. More positively, animals enhance human wellbeing through companionship and observation of wildlife behaviour.

SAWC has suggested a proposed new National Outcome, to be developed for the next five-year review or future legislation, along the lines of:

Animal Welfare: We care appropriately for the farmed, companion, working and wild animals with whom we share our environment and recognise that their welfare is intrinsically connected to ours.

Fairer food labelling

A joint UK consultation on country of origin and method of production labelling for food produced from pigs, meat chickens and laying hens ran from 12 March to 7 May 2024. In its response, SAWC stressed that

“In our opinion an important factor in any animal-origin food is the life the animal had before it was killed, and its welfare at slaughter. Even within the UK there is variation in methods of production (caged, free range, etc.) which can be an important influencing factor in allowing consumers to express choice about animal welfare for the products they consume. Labels need to provide sufficient information for consumers to make informed choices about animal welfare, and to be aware of the impact of their choice on farm production methods. This also allows farmers to achieve a fair price for working to provide higher welfare standards and to provide farmed animals with a good life. Without suitable labelling this goal can be overlooked and not properly rewarded.”

Acknowledging that pigs, meat chickens and laying hens arguably have some of the most restrictive housing and production environments, with the greatest impacts on welfare, SAWC noted that other farmed species (dairy cows, farmed fish, farmed beef cattle and sheep) also experience poor welfare and it would be more consistent to consider all these species equally.

“For example, the fact that 30% of dairy cows are lame at any one time is a very significant cause of welfare concern and can be partially mitigated by improved housing management. Why this information would not be conveyed to a consumer to express informed choices is not clear.”

Scottish Government and Food Standards Scotland officials have been engaging with DEFRA during this period, and policy officials from across the four UK nations are considering the responses.

Scottish Biodiversity Strategy

In September 2023, in line with the one of the 2023-2024 Programme commitments, a consultation was published seeking views on a range of topics and proposals related to biodiversity and tackling the nature emergency in Scotland. It covered aspects of the Scottish Biodiversity Strategy and associated five-year Delivery Plan, as well as the proposed Natural Environment Bill to provide a framework for establishing statutory nature targets.

Deer management

In January 2024, the Scottish Government consulted on proposals for Managing Deer for Climate and Nature, including the establishment of Deer Management Nature Restoration Orders (DMNRO), in furtherance of some of the legislative recommendations of the Deer Management Working Group. The proposals included measures aimed at improving the welfare of deer subject to management by shooting, including basic competence standards and a relaxation of current

requirements for specific authorisation of night shooting, driving deer and out-of-season shooting, and an associated Fit and Competent register.

SAWC supported a proposal for the user of a shotgun to shoot deer to require registration on the Fit & Competent Register as well as an individual authorisation from NatureScot. SAWC also submitted comments on the need for enhanced competence auditing for anyone shooting deer, including independent assessment of shooting accuracy, viewing the possession of DSC 1 plus one reference (the current situation) or simply by following Best Practice Guidance as alluded to in the consultation, as inadequate.

The analysis of responses and specific legislative proposals are awaited.

6. UK Legislation

Previous Programmes for Government have included Scottish Government commitments to working with other UK administrations on legislation to control exports of livestock and imports of dogs, modernise zoo licensing, and control import and sale of products that raise ethical concerns such as fur.

Legislation to prohibit exports of livestock for fattening and slaughter, control imports of dogs and cats, and modernise zoo licensing was to have been taken forward through the UK Animal Welfare (Kept Animals) Bill, with relevant sections extending to Scotland after legislative consent was obtained in 2022. The Bill was withdrawn by the UK government in May 2023, with separate elements then expected to be taken forward separately later that year as single-issue Bills.

After obtaining legislative consent of the Scottish Parliament on 22 February 2024 to allow the Bill to extend to Scotland, the Animal Welfare (Livestock Exports) Act 2024 passed and commenced on 22 July 2024. This prohibits the export of cattle, sheep, goats, pigs and horses from Great Britain to countries outside the British Islands for the purposes of slaughter or fattening for slaughter. Enforcement regulations are being prepared.

Three separate Private Members' Bills were introduced in the UK Parliament in 2024, covering matters previously included in the Kept Animals Bill, but only one of these covers Scotland.

The Animal Welfare (Import of Dogs, Cats and Ferrets) Bill, introduced by Selaine Saxby MP, makes provision to restrict the commercial importation and non-commercial movement of dogs, cats and ferrets into the United Kingdom on grounds of animal welfare. The Bill included measures to allow the four parts of the UK to regulate to raise the minimum age for imported dogs and cats to six months and to ban the import of dogs and cats that are more than 42 days pregnant or with mutilations (for example, tail-docking, ear-cropping or declawing) that would be illegal in the UK. The Bill would also have amended EU rules, assimilated into UK law, to limit to five the number of cats and dogs imported per motor vehicle, or three per foot passenger. Agreement in principle to seek legislative consent to allow this to extend to Scotland was reached before the UK general election was announced in May 2024. The Bill passed its Second Reading on 15 March 2024, but fell due to

dissolution on 30 May 2024. It remains to be seen if the new UK government will take forward a new Bill in this area.

Proposed changes to the Zoo Licensing Act to allow more stringent conservation requirements to be specified in licence conditions were dropped by the UK Government. Joint work continued to finalise updated GB guidance on zoo standards, but this was not published before the general election.

The Ivory Act 2018 (Meaning of “Ivory” and Miscellaneous Amendments) Regulations 2024

On 21 May 2024, the UK government laid a Statutory Instrument extending the Ivory Act 2018 to four additional ivory-bearing mammals: hippopotamus, killer whale, narwhal and sperm whale. The ban on dealing items made of or containing ivory from these species was expected to come into force in September 2024, but was delayed by the dissolution of Parliament and change in government.

The ban was supported by the Scottish Government, in order to support the conservation of ivory-bearing mammals and place the UK as a global leader in animal conservation. At the time of writing this report, a new implementation date was awaited.

7. Scottish Government - Policies and strategies

Natural environment

In December 2022 the Scottish Government met its commitment to publish a new Biodiversity Strategy, setting out its ambition for Scotland to be Nature Positive by 2030, and to have restored and regenerated biodiversity across the country by 2045. The Strategy represents the first element in Scotland’s Biodiversity Delivery Framework and is due to be followed by a Natural Environment Bill (a 2021-2022 Programme commitment) providing for statutory targets for nature restoration on land and sea, and a framework for setting, monitoring, enforcing and reporting on those targets. It includes a number of actions that have animal welfare implications and are therefore relevant to the SAWC remit, including a continued drive to reduce deer population densities, ongoing control and removal of invasive non-native species (INNS) and ensuring that grouse moor management sustains healthy biodiversity.

Wildlife: species licensing

The 2021-2022 Programme included a commitment to review the wider species licensing system with a view to ensuring that the law is being applied correctly, and that lethal control is only licensed where the conditions required for such a licence are demonstrably being met. A public register of licences is also under consideration.

SAWC is aware that this work is under way within NatureScot and looks forward to further developments.

Aquaculture

The 2023-2024 Programme for Government continues work to deliver the Scottish Government’s Vision for Sustainable Aquaculture.

This includes progressing the regulatory review of aquaculture, where a Consenting Task Group (CTG) has been formed to pilot the implementation of key recommendations from an independent regulatory review published in February 2022. The CTG is focused on ensuring improvement and streamlining the administration of the finfish farming consenting process, while maintaining high environmental standards. The CTG has developed a new draft pre-application consenting process for fish farm developments, which are being piloted in the Shetland and Highland local authority areas.

In addition, the Scottish Government remains committed to working with the finfish sector to reduce the risk that fish escape from fish farms through a new Technical Standard for Scottish Finfish Aquaculture, and that work is ongoing.

Taking account of the latest evidence of the persistence in the environment of emamectin benzoate (EmBz), which is widely used in the marine finfish industry to control sea lice, the Scottish Government has adopted the UK Technical Advisory Group recommendation for an Environmental Quality Standard (EQS) setting reduced EmBz discharge limits for marine finfish farms. The Scottish Government intends to introduce the new EQS by means of a Direction to the Scottish Environment Protection Agency (SEPA) to vary existing licences to implement the new EQS. When the Direction is in place, SEPA, working with the sector, is expected have completed implementation within 48 months. An interim EQS already applies to new fish farm applications, or applications to increase discharges at existing fish farms.

SAWC did not respond to the consultation on discharge levels, but notes the importance of mitigating the welfare problems caused by sea lice infestations as well as reducing the environmental hazards of pesticides.

Scottish Veterinary Service

The 2021-2022 Programme proposed to create a new dedicated Scottish Veterinary Service so that the field animal health and welfare functions currently delivered by the Animal and Plant Health Agency (APHA) in Scotland would be replaced by a new Scottish Veterinary Service (SVS) within the lifetime of the current Parliament.

A Programme Board, representing organisations involved in the delivery and enforcement of animal health and welfare and food safety, was given responsibility for assessing the proposed functions of the SVS and what format these might take. This identified that an SVS would deliver quality improvements and would be financially sustainable. However, the Scottish Government has announced that it is unable to progress with plans for the SVS, given the significant costs to create the new service.

Encouragingly, however, 2024 saw the formation of the SRUC School of Veterinary Medicine in Aberdeen, Scotland's third veterinary school and the first in over 150 years. The School began accepting applications for a Bachelor of Veterinary Science (BVSci) degree for work in the rural mixed practice, agricultural and food sectors.

8. Scottish Government – Animal welfare work in progress

There have been continued discussions with other administrations on possible reforms to animal transport legislation.

The UK AWC working group report on castration and tail docking of lambs, which included consideration of alternatives to the conventional rubber ring method, was published by the Scottish Government in September 2023. There has been further detailed discussion of how to take forward the recommendations with other UK administrations and industry stakeholders

Scottish Government has discussed the UK AWC recommendations on the welfare of farmed fish at the time of killing with the salmon sector with a view to developing guidance or future legislation. A GB working group has also been established to discuss these with the trout sector.

Updated Scottish pig welfare guidance was issued in November 2023.

Financial support for farmers to undertake specific interventions, to improve cattle and sheep animal health and welfare, continued as part of the Preparing for Sustainable Farming programme Preparing for Sustainable Farming (PSF) (ruralpayments.org)

Work commenced on the review of animal health, welfare and wildlife legislation to be completed by April 2025 as required by the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020.

Research

The Scottish Government Contract Research Fund project, investigating the welfare of cattle and sheep transported by sea from the Northern Isles on monitored journeys in autumn 2023, was completed by SRUC. A report with recommendations for some improvements to current procedures was published in August 2024.

9. Discussion

The period covered by this report has seen some significant legislative developments that will have a direct positive impact on the welfare of animals in Scotland. The Scottish Government has met most of the commitments made in its 2023-2024 Programme.

In the wildlife arena, the Wildlife Management and Muirburn (Scotland) Act 2024 introduces measures to address raptor persecution, often seen as a conservation issue, but birds of prey are sentient individuals and inevitably suffer – often considerably – when illegally killed by shooting, trapping or poisoning. The Act also bans the use of glue traps and snares, both of which have long been criticised for the severe suffering that they cause to target and non-target animals. SAWC congratulates the Scottish Government for pursuing a clear and evidence-based policy with regard to snaring, in particular, as this issue provoked considerable debate.

The Act also extends the investigative powers of the Scottish SPCA, enhancing the ability of its Inspectors to gather admissible evidence in cases of suspected wildlife crime. This will add a significant resource to those of Police Scotland and other agencies, and it is to be hoped that more effective enforcement will result in a reduction in offences against wild animals in Scotland. The grouse moor licensing provisions were not initially related to animal welfare but, as we have said in our summary of the Bill in section 3, advice on best practice must give adequate consideration to the welfare issues around all the wildlife control associated with grouse shooting. SAWC sees it as essential that the Moorland Management Best Practice group produce guidance on predator control as soon as possible, with input from animal welfare experts. Such guidance will be all the more important when the Act's provisions relating to the licensing of trap use, and associated training, are commenced in early 2025.

SAWC welcomes the development of the licensing scheme for the use of more than two dogs for flushing wild mammals to guns, as provided in the Hunting with Dogs (Scotland) Act 2023. SAWC recommended during the passage of this legislation that dogs should not be used at all in the pursuit of wild mammals, such as foxes, and hopes that the licensing scheme will yield information about the numbers of wild mammals killed and the manner of their despatch, which will be useful for further policy development.

Another long-running animal welfare issue, dating back many decades, is the export of live animals for slaughter and further fattening in overseas countries. The Animal Welfare (Livestock Exports) Act delivered on a long-awaited commitment to ban the export of live animals including cattle, horses, sheep, goats, pigs and wild boar for slaughter and fattening from Great Britain. The Scottish Parliament granted legislative consent in December 2023. The legislation followed a consultation on ending live animal exports in which 87% of respondents agreed that livestock should not be exported for slaughter and fattening.

There has been little or no export of live animals for slaughter from the UK for a number of years, but at its height the trade was said to amount to over a million live animals per year, often enduring lengthy journeys in appalling conditions. The implications for animal welfare of preventing a trade of this magnitude ever being re-established are profound.

While welcoming the resolution, or part resolution, of totemic problems such as live exports and the use of dogs to hunt wild mammals, SAWC notes – as it has done in previous years – that animal welfare issues are not the sole purview of the Scottish Government animal welfare and wildlife teams. Animal welfare is also regularly affected by policy decisions in other areas.

In aquaculture, for example, technical changes to the permitted discharge limits for the sea lice control emamectin benzoate are justified by the need to reduce the environmental hazards of pesticides, but may have consequences for the welfare problems of sea lice infestations in marine finfish cages.

Perhaps a more obvious example was the decision, early in 2024, that Scotland would adopt the same legislation as England to restrict the keeping of XL Bully dogs.

This was a decision aimed at improving community safety in the wake of serious attacks by dogs both north and south of the border. Following the XL Bully “ban” in England, individuals started moving numbers of dogs to Scotland to avoid the restrictions and this understandably led to public concern. However, SAWC had already advised against adopting the same model of legislation and remains concerned by reports of dogs being abandoned or euthanised because it is impossible to re-home them. It also appears that there are few officers in Scotland qualified to type an XL bully and even fewer who are willing to do so.

As noted in our response to the Good Food Nation Plan consultation, SAWC would like to see Scotland being nimble and forward-looking in incorporating animal welfare into all relevant policy areas.

Having reflected on the occasional disconnect between government policy and animal welfare, SAWC has begun to consider whether animal welfare impact assessments should be carried out at the time of proposing legislation. These would be analogous to the environmental or business impact assessments that are already regularly published at the time of consultation and would allow stakeholders to understand the extent to which animal welfare implications have been explicitly considered. It is fair to say that animal welfare organisations made their views about the XL Bully restrictions very clear, but in other policy areas it appears that departments do not always see the need to evaluate the risks or to seek expert views. Areas where specific assessment of animal welfare impacts, based on a modern scientific definition of welfare, could usefully have applied this year include the National Outcomes, the Agriculture and Rural Support (Scotland) Bill and the Good Food Nation Plan.

Finally, while SAWC supports the progressive legislative agenda that has been pursued in recent years by the Scottish Ministers and their dedicated animal welfare officials, it is widely recognised that the effectiveness of these efforts is constrained by a lack of resources to fund enforcement, such as licensing of animal establishments. These matters will need to be considered when new legislation, placing additional requirements on local authorities, is contemplated. The SAWC local authority working group has identified significant concern across Scottish councils over new and pending licensing legislation, despite a willingness to support animal welfare measures where possible. With new Scottish Government spending controls announced in August 2024, it would be highly optimistic to predict that these difficulties will be resolved in the near future. SAWC will publish its review of local authority enforcement in the first half of 2025 and hopes to make constructive recommendations to support overstretched local authority officers, and the animals they are charged with protecting.

10. Acknowledgment

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