

Minister for Agriculture and Connectivity
Ministear an Àiteachais agus Ceangal
Jim Fairlie MSP
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Convener of the Rural Affairs and Islands
Committee
Scottish Parliament
Edinburgh
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Copied to UKSIs@parliament.scot

29 May 2025

Dear Convener,

**THE WELFARE OF ANIMALS (TRANSPORT) (AMENDMENT) REGULATIONS 2025
EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT**

I am writing in relation to the protocol on obtaining the approval of the Scottish Parliament to proposals by the Scottish Ministers to consent to the making of UK secondary legislation affecting devolved areas arising from EU Exit.

That protocol, as agreed between the Scottish Government and the Parliament, accompanied the letter from the then Cabinet Secretary for Government Business and Constitutional Relations, Michael Russell MSP, to the Conveners of the Finance & Constitution and Delegated Powers and Law Reform Committees on 4 November 2020 and replaced the previous protocol that was put in place in 2018.

I attach a Type 1 notification which sets out the principle of proposals which the UK Government propose to make and the reasons why I am content that Scottish devolved matters are to be included. Please note, we are yet to have sight of the final SI and it is not available in the public domain at this stage. We will, in accordance with the protocol, advise you when the final SI is laid and advise you as to whether the final SI is in keeping with the terms of this notification.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

I look forward to hearing from you by 27 June 2025.

Yours sincerely,

JIM FAIRLIE

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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ANNEX C

NOTIFICATION TO THE SCOTTISH PARLIAMENT

The Welfare of Animals (Transport) (Amendment) Regulations 2025

Is the notification Type 1 or Type 2
Type 1.

Brief overview of the SI

This proposed instrument would be made under Article 30(1) and 30a(8) of Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related operations and amending directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97. It would amend Chapter 3 of Annex 1 to Council Regulation (EC) No. 1/2005 which makes provision for technical rules on transport practices for the protection of live vertebrate animals when being transported in connection with an economic activity. Paragraph 1.8(d) of Chapter 3 on handling, prohibits lifting any animal by the legs but does not contain any exclusion for poultry. Carrying birds by the legs has remained standard industry practice in both the UK and the EU where reasonably rapid catching and loading of large numbers of birds is required. European and UK codes of practice, including Scottish Government Guidance for the Welfare of Meat Chickens and Meat Breeding Chickens, and Guidance for the Welfare of Laying Hens and Pullets, reflect a prevailing scientific consensus and advise that although carrying poultry in an upright position by the body is preferable, chickens may be lifted and carried by both legs.

A GB-wide consultation was held on proposals to amend Chapter 3 of Annex 1 to Council Regulation (EC) No. 1/2005 to provide clarity on the legal requirements that apply to the catching of chickens during transport operations, pending further research in this area. If the proposals set out in the consultation are pursued, the instrument would be used to disapply the prohibition in paragraph 1.8(d) of Chapter 3 on the lifting of chickens by their legs and make it clear that when chickens are caught by the legs, they must be caught by two legs. The proposed amendment consulted upon would not include ducks and geese for reasons of welfare and practicality linked to body size, but the consultation also tested whether the amendment for exemption should also apply equally to turkeys under a certain weight.

The Scottish Government's policy of alignment is relevant to proposals. The potential amendments would diverge from the provisions of Chapter 3 of Annex 1 to Council Regulation (EC) No 1/2005 as it has effect in EU law. However the European Commission has published [a Proposal for a new Regulation on the protection of animals during transport](#), which would allow all birds to be caught, lifted and carried by two legs. If the proposals consulted upon are pursued, they would therefore align with the proposed direction of travel within the EU, advance the high standards we share with the EU, and will not impact on a future Scotland's re-accession. The Statement of Common Understanding made by the UK Government and the EU on 19 May 2025 contains an intention to work towards establishing a Common Sanitary and Phytosanitary Area by way of a European

Union- United Kingdom Sanitary and Phytosanitary Agreement (SPS Agreement). The intended scope of the SPS Agreement includes the regulation of live animals, and should provide for dynamic alignment of the rules in Great Britain with EU law, but with a short list of limited exceptions to dynamic alignment.

Details of the provisions that Scottish Ministers are being asked to consent to.

Summary of the proposals

The proposed amendment would amend Chapter 3 of Annex 1 to Council Regulation (EC) 1/2005 and bring the legislation in line with current guidance and codes of practice, and will allow time for further research into the carrying of poultry to be undertaken and enable decisions to be made to improve poultry welfare whilst being transported and handled, based on scientific evidence.

No powers to legislate would be conferred by the instrument.

Does the SI relate to a common framework or other scheme?

This SI relates to the Animal Health and Welfare Common Framework.

Summary of stakeholder engagement/consultation

Defra published a consultation on a GB wide basis on behalf of the UK Government, the Welsh Government and the Scottish Government which was published on 10 March 2025 and closed on 2 May 2025: [Consultation on poultry catching and handling](#) .

Analysis of the responses is still underway and no decision has been made on the final content of the SI until that process is complete.

A note of other impact assessments, (if available)

The proposed amendment would not impact on current practices undertaken by the industry and allows for further research to be carried out into catching and handling methods.

Summary of reasons for Scottish Ministers' proposing to consent to UK Ministers legislation

Consent to this instrument would allow for a consistent approach and clarity for the poultry industry across the Great Britain

Intended laying date (if known) of instruments likely to arise

1 July 2025

If the Scottish Parliament does not have 28 days to scrutinise Scottish Minister's proposal to consent, why not?

N/A

Information about any time dependency associated with the proposal

N/A

Are there any broader governance issues in relation to this proposal, and how will these be regulated and monitored post-withdrawal?

N/A

Any significant financial implications?

The amendment does not pose significant implications for the industry.

SUMMARY NOTIFICATION TO THE SCOTTISH PARLIAMENT

SI NOTIFICATION: SUMMARY

Title of Instrument - The Welfare of Animals (Transport) (Amendment) Regulations 2025
Proposed laying date at Westminster 01 July 2025
Date by which Committee has been asked to respond 27 June 2025
Power(s) under which SI is to be made Article 30(1) and 30a(8) of Council Regulation (EC) No. 1/2005.
Categorisation under SI Protocol Type 1
Purpose To amend the technical rules on transport practices in Annex 1 to Council Regulation (EC) No. 1/2005 to provide for cases where chickens and turkeys may be lifted by the legs.
Other information
SG Policy contact: Richard Holburn, Animal Welfare Team

