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## Rural Affairs and Islands Committee

# Subordinate legislation considered by the Rural Affairs and Islands Committee on 24 September 2025



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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.



[rural.committee@parliament.scot](mailto:rural.committee@parliament.scot)



0131 348 5985

# Committee Membership



**Convener**  
**Finlay Carson**  
Scottish Conservative  
and Unionist Party



**Deputy Convener**  
**Beatrice Wishart**  
Scottish Liberal  
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**Emma Harper**  
Scottish National Party



**Emma Roddick**  
Scottish National Party



**Evelyn Tweed**  
Scottish National Party

# Executive Summary

1. This report details the Rural Affairs and Islands Committee's consideration of the draft [Free-Range Poultrymeat Marketing Standards \(Amendment\) \(Scotland\) Regulations 2025](#).

2. **The Committee agreed to recommend to the Scottish Parliament that it approve the instrument.**

# The draft Free-Range Poultrymeat Marketing Standards (Amendment) (Scotland) Regulations 2025.

3. The draft Free-Range Poultrymeat Marketing Standards (Amendment) (Scotland) Regulations 2025 were laid before the Scottish Parliament on 3 September under the [Agriculture \(Retained EU Law and Data\) \(Scotland\) Act 2020](#). The instrument was referred to the Rural Affairs and Islands Committee for consideration. It is subject to the affirmative procedure, meaning the Parliament must approve the instrument before it can come into force.
4. The draft regulations seek to amend assimilated EU law marketing standards regulations for poultrymeat to remove a 12-week derogation period for marketing of poultrymeat. The proposed changes would allow poultry producers to continue to market their meat as free-range throughout the period in which a housing order has been imposed to protect against avian flu.

# Background

5. Under existing rules, producers of poultrymeat can only classify their livestock as 'free-range' if the poultry can freely access outdoor spaces. However, poultry kept indoors as a result of a housing order can continue to be labelled as free-range for up to 12 weeks.
6. The policy note accompanying the draft regulations explains that due to the outbreak of avian flu in recent years there have been occasions whereby housing orders have extended beyond the 12-week derogation period, meaning some poultry produce lost its free-range status. It notes, therefore, that the principal objective of the instrument is to remove the derogation period to allow poultrymeat to be marketed as free-range for the duration of a housing order.
7. The policy note says that the draft regulations would ensure Scotland remains aligned with other parts of the UK. It also explains that the EU and Northern Ireland has already removed the derogation period for equivalent marketing standards in light of similar concerns about avian flu. The Scottish Government said that "whilst there are currently no commercial free-range poultry meat premises in Scotland, there is consumer demand" and therefore not removing the derogation period like other parts of the UK "would disincentive any future free-range poultry meat production in Scotland due to the additional requirements during housing orders".

# Consultation

8. In 2024, the Scottish and UK governments issued a joint consultation on removing the 12-week derogation period in England and Scotland. The policy note explains that 14 responses were received, of which two were from Scotland. Overall, 79% of respondents agreed with the proposal.
9. The policy note states that "there were repeated concerns regarding the potential negative impacts in the event of the removal of the 12-week labelling derogation period not being adopted across all GB nations, causing regulatory divergence within the domestic market, and possibly resulting in free-range production becoming commercially unviable", whilst others "referenced either increased complexity, confusion, and regulatory burden to the supply chain, and a reduction in supply chain efficiency".

# Impact assessments

10. A [Business and Regulatory Impact Assessment](#) and a [Children's Rights and Welfare Impact Assessment](#) were prepared for the draft regulations.

# Delegated Powers and Law Reform (DPLR) Committee consideration

11. The DPLR Committee considered the instrument on 16 September 2025 and reported on it in its [64th Report, 2025](#) . The DPLR Committee made no recommendations in relation to the instrument.

# Rural Affairs and Islands Committee consideration

12. The Committee took evidence on the draft regulations [from the Minister for Agriculture and Connectivity and Scottish Government officials at its meeting on 24 September 2025](#).
13. The Minister made an opening statement, setting out the purpose and objectives of the instrument.
14. The Committee asked the Minister how the Scottish Government would ensure producers of barn-reared poultry could not market their products as free-range when a housing order was in place. The Minister assured the Committee that producers would still be required to achieve the relevant certifications before they could label their products as free-range in circumstances when a housing order was in force.
15. The Committee questioned how the Scottish Government had taken account of issues raised in the consultation about how the removal of the derogation period might affect consumer confidence around free-range labelling. The Minister said that supermarkets were taking action to ensure consumers were informed when a housing order was in place to improve their understanding of how these measures would impact on food supply. The Committee also asked if there would be an impact on the hospitality sector as a result of changes to labelling of free-range poultry. The Minister said that, like supermarkets, it was in the best interests of hospitality businesses that marketed their poultry products as free-range to make sure their consumers aware when a housing order was in force.
16. Members asked how supermarkets communicated with consumers when similar regulations were brought forward previously to remove a derogation period for the marketing of free-range eggs. The Minister explained that supermarkets must ensure information on packaging for eggs was 'relevant and not misleading'. He was satisfied that supermarkets were complying with their obligations to that effect.
17. Members asked about poultry welfare when a housing order was in place. A Scottish Government official explained that, typically, communications would be issued to encourage producers to think proactively about the conditions of housed poultry and apply best practice wherever possible, such as installing verandas and indoor enrichments. The Minister confirmed, however, that such measures were not under active consideration at present because Scotland did not currently have any free-range poultry producers.

# Conclusion

18. At the end of evidence taking, the Minister moved motion S6M-18747:

That the Rural Affairs and Islands Committee recommends that the Free-Range Poultrymeat Marketing Standards (Amendment) (Scotland) Regulations 2025 be approved.

19. The motion was agreed to without debate or division.

**20. The Rural Affairs and Islands Committee recommends that the Free-Range Poultrymeat Marketing Standards (Amendment) (Scotland) Regulations 2025 be approved.**

