



T: 0300 244 4000  
E: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Gillian Martin MSP  
Convenor of the Environment, Climate Change and  
Land Reform Committee  
Scottish Parliament  
EDINBURGH  
EH99 1SP

18 May 2020

Dear Gillian,

## **ANIMALS AND WILDLIFE BILL: INCLUSION OF NEW AMENDMENTS IN RELATION TO SEAL LICENSING**

I am writing to you ahead of Stage 2 of the Animals and Wildlife Bill to inform you of my intention to lay Government amendments at Stage 3 of the Bill in relation to seal licensing. While I appreciate that it is not standard practice to bring forward such amendments at Stage 3, for a number of reasons this has become a necessity. I therefore want to ensure that the Committee is given prior notice that amendments will be proposed by the Government, in order to allow appropriate consideration to be given.

By way of background, Scottish Government officials are in discussions with the UK and US Governments regarding new provisions in the US Marine Mammal Protection Act (“MMPA”). Complying with the MMPA demands changes to our primary legislation – the detail of these amendments are explained below. While the UK and other exporting nations have sought to fully comply with the MMPA, there has been a lack of clarity from the US on the interpretation of these rules and what specific action needs to be taken by nations in order to comply. Officials have been actively pressing to expedite this process but this clarity has not been provided in a timely manner, notwithstanding the stage now reached by the Animals and Wildlife Bill.

Furthermore, the spread of Covid-19 presents an unprecedented public health crisis and responding to it is a priority for governments across the world. While the Scottish Government continues to prepare measures to ensure compliance with the MMPA, the response to Covid-19 has required considerable re-deployment of resources which has made meeting these obligations significantly more challenging. However, I am confident that we will reach a conclusion that will allow amendments to be brought forward at Stage 3 of the Bill.

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

St Andrew’s House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)



The Committee may wish to note that the proposed amendments currently being drafted are to:

- Amend the Marine (Scotland) Act 2010 to remove specific grounds for which Scottish Ministers are able to grant licences to kill, injure or take seals.
- Increase the penalties associated with the offence of killing, injuring or taking a live seal (intentionally or recklessly) in line with the most serious wildlife offences as laid out in the Animals and Wildlife Bill.

The amendments aim to improve the conservation prospects of seals in Scotland by prohibiting their intentional mortality in specific circumstances and increasing the penalties associated with such offences. The amendments are consistent with Scotland's desire to be a globally competitive and sustainable economy, which has high environmental and welfare standards, thereby ensuring continued access to a globally competitive food and drink market where such standards are expected.

One of the consequences of these amendments is that they will ensure compliance with the MMPA, which requires that nations exporting commercial fish and fish products to the US are held to the same standards as US commercial fisheries, where the taking of marine mammals is prohibited. This means that any fishery whose operations result in the killing or serious injury of marine mammals, occurring in a manner not permitted under US rules, will not be allowed to export to the US. On that basis, if we do not implement the proposed amendments to the seal licensing system by 1 March 2021 when nations have to demonstrate equivalency with the MMPA, Scotland will not be able to export farmed Atlantic salmon to the US from 1 January 2022. The US export market for farmed salmon in 2019 was worth £179 million to the Scottish economy, therefore it is vital that this market is kept open through the implementation of these amendments.

We will keep the Committee apprised of the developing situation and I will outline my intention with respect to these proposals at Stage 2 later this month. Furthermore, if helpful, officials can have a conference call with Committee members to brief them on the situation.

I hope that this is of use to the Committee.

**MAIRI GOUGEON**

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

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)

