Livestock Feed Controls in Scotland review

Consultation Document



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About this consultation

This public consultation covers Scotland. A separate consultation on the same topic will be published by the UK and Welsh Governments, with the intention that any future changes are implemented at the same time across Great Britian. Please respond to the consultation that best reflects your business location.

This consultation is open to everyone. We want to hear most from those who will be directly impacted by the proposals. This includes, but is not limited to, members of the public, livestock keepers, farmers, home compounders, feed mills, renderers, cutting plants, abattoirs, hauliers, industry trade bodies, enforcement officers as well as non-governmental organisations with an interest in livestock feed controls.

This is a consultation on whether Scotland should change its livestock feed controls, to allow:

- Poultry processed animal protein (PAP) in pig feed
- Porcine PAP in poultry feed
- Insect PAP in pig and poultry feed
- Ruminant collagen and gelatine (C&G) in non-ruminant feed.

Duration

This consultation will be open from 3 October 2024 to 26 December 2024.

How to respond

We ask that you respond to the consultation questions using the online form, which can be found at Citizen Space: <u>Livestock Feed Controls Consultation</u>. Alternatively, you can print and post the Respondent Information Form in Appendix 3.

Contact information.

Email - tsefeedreview@gov.scot

Postal Address -

Livestock feed controls review Animal Health and Welfare Saughton House Broomhouse Drive Edinburgh EH11 3XD

Executive summary

Livestock feed controls in Scotland protect both livestock and public health. The strict controls ensure that livestock feed is kept free from disease. The Scottish Government wish to ensure that these controls continue to be effective, proportionate and based on the latest scientific evidence. This consultation focuses on the risk of spreading transmissible spongiform encephalopathies (TSEs) in livestock feed.

TSEs are a group of fatal neurological diseases that affect both animals and humans. TSEs notably include scrapie in sheep and goats, bovine spongiform encephalopathy (BSE) - also known as 'Mad Cow disease' - in cattle, chronic wasting disease (CWD) in deer, and variant Creutzfeldt-Jakob disease (vCJD) in humans.

The first case of BSE in the United Kingdom (UK) occurred in 1986 and since then there have been just over 180,000 confirmed cases of BSE in cattle in the UK. Classical BSE occurs through the consumption of feed contaminated with the BSE agent. It is considered zoonotic (transmissible to humans) due to its assumed link with vCJD through the consumption of contaminated meat.

The strict TSE control measures introduced in the UK are currently in Regulation (EC) No 999/2001¹, which is assimilated direct legislation. This means that they are regulations that Scotland kept after EU-Exit. They prohibit animal protein from being fed to farmed animals, with very limited exceptions (See Appendix 1 for more detail). This prevents TSE agents being recycled back into the ruminant (animals that chew the cud such as cattle, sheep and deer) population. Compliance with these feed controls is also monitored by the Animal and Plant Health Agency (APHA) through the National Feed Audit² (NFA).

These livestock feed controls, alongside other TSE control measures, have greatly reduced the incidence of TSE in the UK. The UK has had just five cases of classical BSE since 2014.

Our understanding of TSEs and how they are transmitted has also increased greatly in this time, and the livestock feed regulations no longer reflect current scientific knowledge or the level of TSE risk.

¹ Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (legislation.gov.uk)

² National feed audit inspection - GOV.UK (www.gov.uk)

Although these controls are effective, they were made in a precautionary manner, when little was known about BSE. Since then, research has demonstrated that pigs³ and poultry⁴ are not naturally susceptible to TSEs^{5, 6} and improvements in feed testing methods allow the NFA to differentiate between ruminant and non-ruminant proteins if found in feed^{7, 8, 9}. As pigs and poultry are naturally omnivorous, they have evolved to eat a diverse range of food of both plant and animal origin.

In 2021 the European Union (EU) therefore amended its TSE legislation to allow the use of a wider range of animal proteins in non-ruminant animal feed. The EU has allowed:

- Poultry processed animal protein (PAP) in porcine feed
- Porcine PAP in poultry feed
- Insect PAP in pig and poultry feed
- Ruminant collagen and gelatine (C&G) in non-ruminant feed.

These amendments are part of the EU TSE roadmap¹⁰ to review TSE controls, in the light of the reduced incidence of TSEs and increased knowledge of the diseases. The UK supported the roadmap when it was an EU member.

To work towards our commitments to growing the economy and tackling climate change, the Scottish Government wishes to consult on making the same changes to Scottish legislation.

These changes would allow our legislation to reflect current scientific evidence and advice, and allow business innovation in the animal feed sector, especially in the research and development of insect protein. They would also allow the Scottish Government to support industry in achieving sustainable farming goals by reducing reliance on imported soyabean

³ Throughout this consultation, the terms "pig" and "porcine" are used interchangeably to refer to kept animals of the suidae family including domestic pigs, wild boar, micropigs, and pet pigs.

⁴ Poultry refers to kept galliformes and anseriformes including turkeys, quail, pheasants, chickens, geese, and ducks.

⁵ Research - The potential for TSEs in non-ruminant livestock and fish

⁶ Research - Survey for TSEs in Irish pigs fed meat and bone meal

⁷ Research - Real-time detection of <u>prohibited mammalian</u> and avian material in animal feed

⁸ Research - Detection of pig DNA in feedstuffs

⁹ Research - Detection of poulty DNA in feedstuffs

¹⁰ EU TSE Roadmap 2

and fishmeal protein for poultry and pig feed. It would also create trade opportunities with EU when new products are developed.

These changes have been risk assessed by APHA and, if implemented, will not impact on Scotland's high level of animal and public health protection. Key protections will remain in place, including the banning of PAP of ruminant origin being fed to ruminants, a requirement by the World Organisation for Animal Health¹¹ (WOAH). Animal By-product (ABP) regulations¹² would still prohibit intra-species recycling (i.e. feeding PAP or other material made from an animal to the same species of animal).

Background

To control the spread of BSE, the UK introduced various pieces of legislation between 1988 and 1996, culminating in the reinforced feed ban on 1 August 1996 which prohibited animal protein from being fed to farmed animals, with very limited exceptions (See Appendix 1 for more detail).

The reinforced feed ban was implemented in the EU in 2001 with the adoption of Regulation (EC) 999/2001, which is now assimilated law in Great Britain (the new name for retained EU law)

In Great Britain (GB) compliance with the feed controls is monitored through the NFA, a monitoring programme conducted by APHA, an executive agency of Defra that is responsible for TSE surveillance in GB, including on behalf of Scottish Ministers. APHA inspectors inspect and approve premises that produce, store, or use livestock feed. The inspections include taking samples of livestock feed for testing for the presence of banned components, including animal proteins. The purpose of the NFA is to protect animal and public health.

The NFA and the reinforced feed ban, alongside other BSE controls such as passive and active surveillance and the removal of Specified Risk Material (SRM) in abattoirs¹³, have greatly reduced the incidence of BSE in the UK. In 2001 there were 1,113 confirmed cases of BSE compared to just five cases of classical BSE occurring since 2014.

¹¹ Bovine spongiform encephalopathy aka BSE- WOAH

¹² Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (legislation.gov.uk)

¹³ Chapter 2.7 Specified Risk Material Controls (foodstandards.gov.scot)

The prohibitions on the feeding of animal protein to farmed animals no longer reflect current scientific knowledge or the level of TSE risk however, as research has shown that poultry and pigs are not naturally susceptible to TSEs. Additionally, as pigs and poultry are naturally omnivorous, they have evolved to eat a diverse range of food of both plant and animal origin.

In light of this updated scientific research, in 2021 the EU allowed:

- · Poultry PAP in pig feed
- Porcine PAP in poultry feed
- Insect PAP in pig and poultry feed
- Ruminant collagen and gelatine in non-ruminant feed.

These amendments are part of the EU TSE roadmap to review TSE controls in the light of the reduced incidence of TSEs and increased knowledge of the diseases. The UK supported the roadmap when it was an EU member. The amendments automatically apply to Northern Ireland (NI) under the provisions of the Protocol on Ireland/Northern Ireland¹⁴.

Risk assessments completed in June 2023 have been conducted by the APHA, on adopting these same changes in the GB. These risk assessments indicated that the overall risk of an animal in the UK being infected with a TSE due to these legislative relaxations is very low and is not estimated to increase the level of TSE infection and spread. The Advisory Committee of the Microbiological Safety of Food¹⁵ (ACMSF), a committee of independent experts that provides advice to the Government on questions relating to microbiological issues and food, concluded that the risk assessments provide public health assurance for this policy change if other key BSE controls remain in place¹⁶. Food Standards Scotland (FSS) is a public sector body which is part of the Scottish Administration but independent from Ministers. It is responsible for food safety, food standards, nutrition, food labelling and meat inspection in Scotland. Based on the advice from ACMSF, FSS determined that no public health risk assessment is required in relation to adopting these changes.

It is important to note that these changes would be deregulatory. This means that businesses will only make use of the new powers if it is beneficial for them to do so.

¹⁴ Revised Protocol to the Withdrawal Agreement.pdf (publishing.service.gov.uk)

¹⁵ Advisory Committee on the Microbiological Safety of food | Advisory Committee on the Microbiological Safety of food

¹⁶ Minutes of 101st meeting | Advisory Committee on the Microbiological Safety of food

The proposed policy changes

The Scottish Government is consulting on allowing the use of:

- Poultry PAP in pig feed,
- Porcine PAP in poultry feed,
- Insect PAP in pig and poultry feed,
- Ruminant collagen and gelatine (C&G) in non-ruminant feed.

The Scottish Government is proposing making amendments to Annex 4 of Regulation (EC) No 999/2001 to bring these changes into effect.

Detail on proposed policy changes

Policy Aims

- Ensure feed controls in GB are proportionate to current TSE risk and are in line with the latest scientific evidence and advice.
- Support industry and ensure our regulations allow and encourage investment in livestock industries
- Support industry to achieve Scottish Government sustainability goals.

Benefits of the proposed changes

Environmental benefits

The use of animal proteins in non-ruminant feed has potential environmental benefits, through a reduced dependency on soybean-based feed. Approximately 76% of global soy production goes towards livestock feed, mostly for pigs and poultry¹⁷. In 2022, the UK imported 3.46 million tonnes of soybean equivalents, with 90% either used as animal feed or embedded within imported meat, eggs, or dairy products¹⁸. The soybean industry is a significant contributor to deforestation and greenhouse gas emissions, with over 75.5 million hectares cultivated globally¹⁹ and only 24% UK's soya used in animal feed in 2022

¹⁷ Forests and Deforestation, Ritchie. H and Roser, M. (2021)

¹⁸ UK Roundtable on Sustainable Soya: Annual progress report 2023

¹⁹ Water relations and water management of soybean | FAO

was farmed in a way that did not contribute to deforestation or the conversion of natural ecosystems²⁰.

Defra is conducting research and development, including life cycle analysis, on the potential environmental benefits of using insect protein in animal feed in comparison to soymeal and fishmeal. As farmed animals, insects are prohibited from being fed manure, catering waste, and feed material containing or derived from catering waste. We are aware of innovation in the insect protein sector identifying novel insect substrates that are currently underutilised. These innovations, in the medium-term, could contribute to a more sustainable global supply chain, and reduce the reliance on soybean-based feed.

Economic benefits

These proposed changes would level the playing field with the EU, providing a platform that will encourage investment into the insect protein sector in GB. There is a potential benefit to the insect PAP sector, which would be able to sell their product to a GB market through the use of insect PAP in pig and poultry feed. Elsewhere in the World, insects are becoming increasingly popular in animal feed, with insect meals containing between 50-82% crude protein as well as other important nutrients²¹. The global market for insect protein was worth approximately \$540 million in 2022 and has been forecast to hit \$1.4 billion by 2029, with Europe making up around a fifth of the market²². Allowing the use of insect PAP in non-ruminant feed could enable the growth of this market in the GB. We have already seen some evidence of this, for example, in 2017 the EU and UK permitted the use of processed protein from seven species of insect to be used as feeds in fish farms, including black soldier flies and species of mealworms and crickets²³. Black soldier flies (and to a lesser extent yellow mealworms) are now being farmed in various locations in the UK. Estimates from the World Wildlife Fund for Nature suggest that demand for insect protein in the UK could be over 500,000 tons by 2050, with half supplied within the country²⁴.

²⁰ <u>UK Roundtable on Sustainable Soya: Annual progress report 2023.</u> Based on estimates that at least 24% was physically deforestation and conversion free.

²¹ The Future of Animal Feed: Animal by-products and insects, Food Standards Agency

²² Global Insect Protein Market – Industry Trends and Forecast to 2029

²³ Regulation (EC) No 2017/893 of the European Parliament and of the Council Permits use of: Black Soldier Fly (Hermetia illucens), Common Housefly (Musca domestica), Yellow Mealworm (Tenebrio molitor), Lesser Mealworm (Alphitobius diaperinus), House cricket (Acheta domesticus), Banded cricket (Gryllodes sigillatus) and Field Cricket (Gryllus assimilis).

²⁴ The Future of Feed: A WWF Roadmap to Accelerating Insect Protein in UK Feeds

There are potential benefits to industry, including animal by-product (ABP) processing plants manufacturing porcine or poultry PAP, as they would also be able to sell to a GB market for use in the production of pig and poultry feed. Data from discussions held with industry suggests that most of the porcine and poultry PAP currently produced is exported for use in pet food, with a small amount used by the UK pet food industry. Porcine ABPs are often mixed with ruminant ABPs, and the mixed PAP products have less value than porcine PAP. Enabling the use of porcine and poultry PAPs in non-ruminant feed could therefore expand the feed market by diversifying product ranges and keeping markets competitive.

Cross contamination monitoring and prevention

It is essential to ensure that, should these changes be adopted, TSE risk is not increased. Scotland is currently recognised by WOAH as having BSE Controlled Risk status. Cross contamination (CC) in the feed chain must be avoided because it could result in illegal feeding. CC would include poultry or porcine protein being fed to the species of origin.

The Scottish Government has worked with Defra, the Welsh Government, industry, FSA, Food Standards Scotland (FSS), and APHA to develop a proposed course of action that will monitor and prevent cross contamination across the feed chain. The proposed changes are not designed to be detrimental to current practices, which will be allowed to continue unaffected. The proposed additional feed options would be available alongside current options. We are seeking views on the proposed additional options in this consultation.

Should these changes be agreed upon, APHA would issue a guidance note explaining the legislative requirements to prevent CC in the feed and food chain. It would build upon the current guidance note²⁵, published in 2018 and would be developed with government input.

Unless otherwise specified, current feed hygiene regulations to prevent CC from C&G will apply to each of the below sections.

Slaughterhouses / Cutting Plants

Animal by-products (ABPs) intended to be used to produce poultry PAP must be sourced from slaughterhouses or cutting plants that are registered by FSS as not slaughtering or processing ruminant or pig animals. ABPs intended to be used to produce pig PAP must

²⁵ <u>Guidance note on feed controls in the Transmissible Spongiform Encephalopathies Regulations (publishing.service.gov.uk)</u>

be sourced from slaughterhouses or cutting plants that are registered by FSS as not slaughtering or processing ruminant or poultry animals.

The only exceptions to this are if FSS, upon inspection, is satisfied that:

- When porcine PAP is produced, slaughter of pigs is carried out in physically separate lines from ruminants and poultry
- When poultry PAP is produced, slaughter of poultry is carried out in physically separate lines from ruminants and pigs
- Collection, storage, transport, and packaging facilities for poultry products are separate from those used for ruminant and pig products.
- Collection, storage, transport, and packaging facilities for pig products are separate from those used for ruminant and poultry products.
- Regular sampling and analysis are undertaken, to ensure no CC.

Rendering plants / Feed ingredient manufacturers / Compound feed plants

Products containing poultry / pig / insect PAP / C&G for feed must be produced in processing plants registered by APHA as exclusively processing products for livestock that can eat that material safely.

The only exception to this is if APHA is satisfied that:

- There is a closed system of production and physical separation of products intended for livestock with different feed requirements (e.g. pig feed containing poultry PAP is kept separate from products intended for ruminant and poultry feed).
- Collection, storage, transport, and packaging facilities for raw and finished material containing poultry / pig / insect PAP / C&G are physically separate from facilities handling materials of other animal origin (i.e. the layout and operation of the site is specifically designed to prevent cross contamination).
- Purchasing, sales, and use records are kept.
- Products are correctly labelled and the accompanying commercial document or health certificate meet legislative requirements.
- Regular sampling and analysis are undertaken to ensure no CC.

Home compounders

Authorisation for the production of complete feed from compound feed containing one of the proposed new PAPs or C&G would not be required if home compounders:

- Are registered by FSS for utilising these compound feeds; and
- Only keep the types of animals that would be permitted to eat the proposed new PAPs or C&G; and

• The compound feed containing poultry or porcine PAP used in their production contains less than 50% crude protein.

Farms

The use and storage of PAP derived from poultry/pigs/insects is not allowed on farms where there are farmed animals that are prohibited from consuming those product(s). The only exception to this is where the APHA, upon inspection, is assured of on-farm measures to prevent compound feed being fed to an animal species for which it is not intended.

Transport

Vehicles and containers that transport poultry, pig or insect PAP intended for feed shall be transported to a processing plant in dedicated vehicles and/or containers.

However, vehicles and containers that have previously transported other PAP can be used, provided:

 They are thoroughly cleaned in accordance with documented procedure which has been authorised by APHA.

Labelling

The words 'contains poultry derived products – shall not be fed to poultry or ruminants' shall be clearly indicated on the label of compound feed containing these poultry derived products.

The words 'contains porcine derived products – shall not be fed to pigs or ruminants' shall be clearly indicated on the label of compound feed containing these porcine derived products.

Halal and Kosher considerations.

Prior to this consultation, Halal and Kosher certification authorities, who are experts in Sharia and Kashrut law have been contacted. The responses from these organisations will be incorporated into the final policy decision making process. There is the potential that poultry fed on porcine PAP would not be considered Halal or Kosher, if so it would be labelled accordingly. As the proposed changes would be voluntary, businesses will be free to introduce all necessary measures to ensure their products retain religious compliance.

Appendices

1. Legal position of PAP use in animal feed in GB

Not legal in GB (NL)

Proposed changes (P)

Legal for use in GB (L)

Product of animal origin	Ruminant	Pig	Poultry	Fish	Other	Pets
Ruminant PAP including ruminant blood meal	NL	NL	NL	NL	NL	L
Blood products from ruminants	NL	NL	NL	NL	NL	L
Gelatine and collagen from ruminants	NL	Р	Р	Р	Р	L
Hydrolysed proteins from ruminant tissues other than hides and skins	NL	NL	NL	NL	NL	L
Non-ruminant PAP including non-ruminant blood meal but excluding fishmeal, porcine and poultry PAP	NL	NL	NL	L	NL	L
Poultry PAP	NL	Р	NL	L	NL	L
Porcine PAP	NL	NL	Р	L	NL	L
Insect PAP	NL	Р	Р	L	NL	L
Fishmeal from farmed fish	NL	L	L	L	L	L
Blood products from non-ruminants	NL	L	L	L	L	L
Di and tricalcium phosphate of animal origin	NL	L	L	L	L	L
Other animal proteins not listed	NL	L	L	L	L	L
Hydrolysed proteins from non-ruminants or from ruminant hides and skins	L	L	L	L	L	L
Gelatine and collagen from non-ruminants	L	L	L	L	L	L
Egg, egg products, milk, milk products and colostrum	L	L	L	L	L	L

2. Responding to this consultation

Responding to this Consultation

We are inviting responses to this consultation by 26 December 2024.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (http://consult.gov.scot). Access and respond to this consultation online at https://consult.gov.scot/agriculture-and-rural-economy/livestock-feed-controls-consultation. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 26 December 2024.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form to:

Livestock feed controls review
Animal Health and Welfare
Scottish Government
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy: https://www.gov.scot/privacy/

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be

made available to the public at http://consult.gov.scot. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at tsefeedreview@gov.scot.

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: http://consult.gov.scot. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

3. Respondent Information Form



Livestock Feed Controls in Scotland review

Respondent Information Form

Please Note this form must be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy: https://www.gov.scot/privacy/

Are you responding as an individual or an organisation?
☐ Individual
Organisation
Full name or organisation's name:
Phone number:
Address:
Postcode:
Email Address:
_
Information for organisations:
The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.
If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:
☐ Publish response with name
☐ Publish response only (without name)
☐ Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?
☐ Yes
□ No
Questionnaire
Question 1
Do you think that porcine processed animal protein should be allowed in poultry feed?
☐ Yes
□ No
☐ Don't know
Please explain your views:
Question 2
Do you think that poultry processed animal protein should be allowed in pig feed?
☐ Yes
□ No
☐ Don't know
Please explain your views:

Do you think that insect processed animal protein should be allowed in pig and poultry feed?
☐ Yes
□ No
☐ Don't know
Please explain your views:
Question 4
Do you think that ruminant collagen and gelatine should be allowed in non-ruminant feed?;
☐ Yes
□ No
☐ Don't know
Please explain your views:
Question 5
Please provide any further comments on the proposals set out in this consultation:

Question 3

Question 6

Which of the following best describes you, your holding, or organisation?

- a. Compound feed mill
- b. Feed ingredient manufacturer
- c. Poultry farmer
- d. Cattle farmer
- e. Pig farmer
- f. Other farmer
- g. Insect protein producer
- h. Trade association
- i. Abattoir
- j. Cutting plant
- k. Rendering plant
- I. Haulier
- m. Retailer
- n. Member of the public
- o. Enforcement officer
- p. Other (Please specify):



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