

CONSULTATION QUESTIONS

SECTION 1 - THE SUSTAINABLE DEVELOPMENT OF AQUACULTURE

We have no view on this

SECTION 2 - PROTECTION OF SHELLFISH GROWING WATERS

We have no view on this.

SECTION 3 - FISH FARMING AND WILD SALMONID INTERACTIONS

We have no view on this.

SECTION 4 - SALMON AND FRESHWATER FISHERIES MANAGEMENT

Modernising the Operation of District Salmon Fishery Boards

1. Do you agree that we should introduce a specific duty on Boards to act fairly and transparently? (Page 29)

YES

However almost all of Scotland's grayling are found in rivers with migratory fish stocks and we would argue that the specific duties of boards should be extended to include a requirement that "In making any river management decisions a Board must have regard to the welfare and maintenance of stocks of other fish found in the river."

2. Do you agree that there should be a Code of Good Practice for wild salmon and freshwater fisheries? (Page 29)

YES

However, we believe any such code should take account of the interests of the range of angling interests and not be biased in favour of migratory fish interests.

3. If yes, should such Code of Good Practice be statutory or non-statutory? (Page 29)

YES

NO

This question is not amenable to a simple Yes or No answer.

There is a need for flexibility to take account of different circumstances in different places. Compliance with a non-statutory code could be difficult to achieve. Equally a statutory code with criminal sanctions seems excessive and would also be difficult to enforce.

We would prefer a legal requirement to have a code without the code itself being enshrined in statute but with a requirement formulated in such a way as to allow an aggrieved party to take civil action against a Board where the Board's actions are inconsistent with the non-statutory code and harmful to that party's interests. We suggest non-compliance with the non-statutory code should be taken as evidence that a Board has acted unreasonably.

Statutory Carcass Tagging

4. Do you agree that Scottish Ministers should have powers to introduce a statutory system of carcass tagging for wild Atlantic salmon and sea trout? (Page 31)

We have no view on this.

Fish Sampling

5. Do you agree that Scottish Ministers should have powers to take or require fish and/or samples for genetic or other analysis? (Page 32)

YES

Management and Salmon Conservation Measures

6. Do you agree that Scottish Ministers should have powers to initiate changes to Salmon District Annual Close Time Orders? (Page 32)

We have no view on this.

7. Do you agree that Scottish Ministers should be able to promote combined salmon conservation measures at their own hand? (Page 32)

We have no view on this.

8. Do you agree that Scottish Ministers should be able to attach conditions, such as monitoring and reporting requirements, to statutory conservation measures? (Page 32)

YES

Dispute Resolution

9. Do you agree that we should introduce statutory provisions related to mediation and dispute resolution, to help resolve disputes around salmon conservation, management and any related compensation measures? (Page 33)

YES

We also consider that such statutory provisions should extend to disputes between Boards and organisations and individuals with an interest in the sustainability and welfare of stocks of non-migratory fish.

Improved Information on Fish and Fisheries

10. Do you agree that there should be a legal requirement to provide comprehensive effort data for rod fisheries? (Page 34)

This appears to apply only to Migratory salmonids and if that is the case we have no view on this.

However, if there is intention to include other freshwater species such as the Grayling, we believe few anglers could be persuaded to conform, despite the usefulness such data could provide for fisheries management.

11. What additional information on the fish or fisheries should proprietors and/or Boards be required to collect and provide; and should this be provided routinely and/or in specific circumstances? (Page 34)

12. Should Scottish Ministers have powers to require Boards and/or proprietors or their tenants to investigate and report on salmon and sea trout and the fisheries in their district? (Page 34)

We have no view on this.

Licensing of Fish Introductions to Freshwater

13. Do you agree that Scottish Ministers should have powers to recall, restrict or exclude the jurisdiction of Boards in relation to fish introductions, in certain circumstances? (Page 35)

We have no view on this.

14. If so, why and in what circumstances? (Page 35)

SECTION 5 - MODERNISING ENFORCEMENT PROVISIONS

We have no view on this.

SECTION 6 - PAYING FOR PROGRESS

15. Do you agree that there should be enabling provisions for Scottish Ministers to provide, through secondary legislation, for both direct and more generic charges for services/benefits arising from public sector services and activities? (Page 43)

YES

We agree that direct charges for specific public services to the Aquaculture industry and fishery management are appropriate but we are slightly concerned about the idea of more generic charges.

The Grayling Society has world wide membership and does not object to the concept that anglers should contribute to the cost of managing fisheries, fish stocks and the environmental quality of fishing waters. However, we do not support the idea of rod licence fees where they are a general support to public revenues. There would need to be specific safeguards and we therefore take the view that any proposals for generic charges should be the subject of separate consultation and should include provision to ensure that the revenue from the charges should be applied to, and only to, supporting specific activities.

16. If you do not agree that there should be charging provisions, how do you envisage ongoing and new work to assist in management and development of the aquaculture and fisheries sectors should be resourced? (Page 43)

17. If no new way of resourcing such activity can be found, what activities do you suggest might be stopped to free up necessary funds? (Page 43)