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In 2014 Scotland Welcomes the World



8 October 2014

Dear Rob

Wild Fisheries Review – Submission of the Final Report

As you know Andrew Thin was appointed to chair the independent Wild Fisheries Review which began on 3 March 2014. Over the past seven months the review panel has engaged with stakeholders across the sector to gather evidence and develop their recommendations.

Today, Andrew has submitted his final report and recommendations to me. I will consider the report in depth and will consult on proposals to implement a new management system.

I enclose a copy of the report for RACCE's information.

Kindest regards

PAUL WHEELHOUSE



Report of the Wild Fisheries Review Panel, OCTOBER 2014



Andrew Thin
Jane Hope
Michelle Francis

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Executive Summary

The wild fish populations of Scotland are one of our great natural resources. For thousands of years they have provided us with a valuable and sustainable harvest, and we have tried in a variety of ways to manage them in order to maximise their yield. Over the last hundred years or so our systems for doing so have become increasingly sophisticated, responding to growing challenges from pollution, habitat degradation, and over exploitation. Huge numbers of dedicated people up and down the country now work exceedingly hard to manage and care for this asset, and they do so within a legislative framework whose origins date back to the salmon fisheries acts of the mid 1800s.

In recent decades there have been growing calls for reform of the way in which we organise wild fisheries management in Scotland, and the SNP manifesto in 2011 included a commitment to “modernise the management structures” that underpin our wild fisheries. This report, commissioned by the Scottish Government, represents a key step in that process. Building on a baseline assessment compiled by Peter Maitland in 2013, it sets out recommendations for fundamental change in order to broaden the focus to include all fisheries species, ensure that management is scientifically sound, strengthen democratic accountability, encourage greater participation, and provide confidence that sufficient resources will be available to enable core priorities to be fulfilled.

Any overhaul of an existing functioning system carries with it considerable risk. There are real strengths inherent in our current management arrangements, and in the way in which they have been able to harness personal enthusiasm, commitment and voluntary effort to such excellent effect. This report sets out proposals that build on those strengths, and which retain as a fundamental principle the concept of decentralisation and local empowerment set within a national framework. A new National Wild Fisheries Unit within government is recommended so as to give the system strategic direction and ensure full democratic accountability. Working within this framework to agreed management plans are proposed a number of locally led Fisheries Management Organisations (FMOs) that form the delivery end of the system.

Structures do not in themselves deliver management outcomes on the ground. The report therefore looks at the issue of resourcing, and makes a number of proposals for reform designed to ensure greater flexibility of resource deployment across the country leading to more optimal return on investment. In particular, changes to the current salmon assessment are suggested that will extend this to cover all fisheries with commercial potential, and divide the levy charged into standard national and locally enhanced components. The potentially contentious issue of a national rod licence is also considered, and the report concludes that, as a dedicated funding source for a new national angling development programme, the benefit to the sector of introducing such a licence is likely to be significant.

At the heart of any effective wildlife management system is the issue of sustainable harvesting, and around the world governments, landowners and sports(wo)men all grapple with the challenges inherent in optimising sustainable yields from wild populations. The report examines this with particular reference to salmon, and makes what some will see as relatively radical recommendations designed to give greater confidence about the future of this species in Scotland. The notion of licensed rationing, a tool used to good effect for game management in many other countries, is introduced, as is the concept of following an essentially precautionary approach where uncertainty prevails. A fee is proposed to cover the cost of operating such a system, recognising the scarcity value of wild salmon in Scotland.

Few people will argue with the idea that fisheries management should be based on sound science. Difficulties can arise, however, when scientific understanding is incomplete, and where some knowledge is held by practitioners on the ground who do not normally regard themselves as scientists in any formal sense. The importance of taking a risk based approach to management is noted, as is the need to better integrate theoretical science and practical expertise. The significance of training and CPD at all levels in the system is emphasised, as are opportunities to make more use of “citizen science” and the need to ruthlessly prioritise research expenditures. Lastly, and by way of summary to this section, the report reinforces the place of science as the servant of good management rather than as an end in itself.

A complex system of regulation and compliance relating to wild fisheries has evolved in Scotland over many years. It includes seasonal restrictions and closed days of the week, locally warranted bailiffs, regionally specific legislative provisions, and a complex Protection Order system whereby fishing rights normally covered by civil law can sometimes gain protection under criminal legislation. The report reviews all of this and makes a number of proposals for reform in order to simplify and modernise regulation. It does not identify any fundamental flaws or suggest radical change, but it does underline the importance of embedding the implementation and enforcement of regulation within a democratically accountable framework which incorporates all the checks and balances that are necessary in 21st century Scotland.

The report concludes by exploring the issue of participation, and emphasises the potential that exists to increase the value of our wild fisheries to the people of Scotland as a whole. The significance of angling as a recreational pursuit, and the diversity of opportunities that are involved, is emphasised. The current dominance of older age groups in the sport is noted, and it is suggested that more attention might be paid to engaging the interest of younger age groups. The role of angling within the wider activity tourism market is also discussed, as is the importance of employment arising from this to our rural communities. The section goes on to suggest a stakeholder led “Angling for All Programme”, and in doing so emphasises once again the vital importance of stakeholder leadership in the future of this sector.

Taken together the recommendations contained in this report comprise an integrated response to the challenges and opportunities that our wild fisheries are likely to face in the coming decades. They signal significant change, but they also describe an essentially evolutionary process that will enable the sector to build on its inherent strengths, and on the experience and skills of all those involved in it. The report is about modernisation and about adapting to new circumstances, but it also about celebrating the potential inherent in a sector driven by a remarkable spirit of voluntarism and collective endeavour. Scotland’s wild fisheries are the envy of many, and there is every reason to expect that they will remain so for generations to come.

Section 1 - Background and Terms of Reference

1.1 Origins

The statutory origins of the current wild fisheries management system in Scotland date back to the 19th century. Several steps have been taken to modernise and update these arrangements over the intervening years, and in the last few decades there have been a number of formal reviews which have examined the potential for further improvements. The current system is the product of incremental adjustment to statute over many years, complemented by organisational changes on the ground led by a large number of enthusiastic fisheries managers and owners of fishing rights.

The result of all this has been a wild fisheries management system that does excellent work around the country, and which in doing so harnesses the energies and enthusiasm of a great many people. It is also, however, a system that most people agree suffers from some structural weaknesses, including weak overall coherence. It is distinctly salmon centric despite Scotland being home to significant populations of several other fish species which are of interest to anglers. Control within the system is highly fragmented, making it difficult for democratically elected governments to ensure that domestic and international policy priorities and obligations are fulfilled. Crucially in a modern context the system is not, in some respects, as accountable as it perhaps should be to the wider Scottish population on whose behalf it ultimately acts.

In recognition of this the SNP manifesto for the 2011 Holyrood election included the commitment that - “We will support and protect our famous and valuable salmon and freshwater fisheries. We will modernise the management structures”. The Aquaculture and Fisheries (Scotland) Act 2013 was the first stage in implementing this, updating the legislative framework for salmon fisheries and modernising governance arrangements. The second stage is a wider and more fundamental review (this review) which builds on a baseline report prepared by Peter Maitland in 2013 and focuses on defining the requirements of a modern evidence based wild fisheries management system that will be fully fit for purpose well into the 21st century.

1.2 Context

Wild fisheries management in Scotland sits within a legislative and policy context that is both demanding and complex. In particular a number of key international obligations regarding the conservation of wild salmon are of importance to the Scottish Government, but so too are wider cross-cutting policy priorities relating to climate change, renewable energy, aquaculture and pollution. In developing recommendations for a modern fit for purpose wild fisheries management system, a central priority is the need for flexibility so that changing (and potentially unforeseen) pressures can be successfully dealt with in the future.

International obligations relating to the management of wild salmon fisheries are coordinated through the North Atlantic Salmon Conservation Organisation (NASCO), and through implementation of the EU Habitats Directive. NASCO was originally established by an intergovernmental UN convention in 1984, and it has been particularly active in reducing exploitation of salmon in the marine environment. The EU Habitats Directive includes the designation of seventeen freshwater Special Areas of Conservation (SACs) for salmon in Scotland, and the requirement to ensure favourable condition of these sites has attracted considerable public investment into fisheries management in these areas.

Other international and domestic priorities relating to wild fisheries management are diverse. The EU Water Framework Directive is of central importance in relation to the protection, improvement and sustainable use of surface waters, estuaries, coastal waters and ground water, including their ecological status. The free passage of migratory fish is a key requirement, and a programme to fund removal of barriers is currently being led by SEPA. Wider policy priorities relating to climate change adaptation, increased renewable energy capacity, growth of aquaculture, sustainable marine fisheries and land use all have implications for the management of wild fisheries.

If Scottish Ministers are to have confidence in a new and modernised wild fisheries management system then it must provide them with the assurances that they require to confirm fulfilment of international and domestic priorities. In particular it must provide assurances in relation to the health of fish stocks across all key species, and it must provide confidence that the management of those stocks is being conducted according to the best available science. In addition it must also ensure, should it prove necessary, that Scottish Ministers have the levers at their disposal to secure appropriate management where there is a possibility that this might not otherwise occur.

1.3 Remit

The terms of reference for this review, set by the Scottish Government, are replicated in appendix A. They make clear that this is not simply a tinkering with the current management system, but a review from first principles encompassing all of Scotland's wild fisheries whatever species they are based on. There is a particularly strong emphasis in the remit on the importance of being able to fulfil international commitments and obligations, recognising the increasingly transnational legislative and policy context within which some wild fisheries management sits. Likewise the ability of elected governments to fulfil domestic policy objectives is given significant prominence.

The remit offers the review a relatively blank canvas on which to develop its recommendations. This is not a remit to review and amend the current wild fisheries management system. It is an opportunity to look at things afresh, and to map out the essential components of a new wild fisheries management system for Scotland that is fully compatible with modern circumstances and pressures. In doing so the remit underlines the importance of evidence based management in a complex and continually evolving context. Defining the information and skills required to ensure that this can happen is integral to the review, as is ensuring that sufficient resources are available.

1.4 Scope

The scope of the review looks at Scotland's wild fisheries management in the round, with an emphasis on an integrated approach to sustainable management that will optimise their value to the Scottish people as a whole. This includes their commercial value to individuals and local communities (through increased tourism for example), and it also incorporates their wider social contribution to health, sport and recreation. That signals a strong shift to an all species focus for the new management system, indicates an aspiration to widen the social and economic significance of wild fisheries, and underlines the importance of effective working between sectors in order to eliminate any sense of wild fisheries being a policy enclave on its own.

The breadth of the scope takes the review into some challenging areas. Mechanisms for taking forward the sustainable management of salmon netting activity are to be examined. Stimulating opportunities for all, and especially young people, to become more involved in fishing and fisheries management is given emphasis. Recommendations are sought in relation to upskilling and continuous professional development (CPD) in what is a highly fragmented industry, and the key question of how best to resource all this must be carefully explored. There is a real opportunity for Scotland to fundamentally reframe the place of wild fisheries in the wider social and economic fabric of the country, and to ensure that the system for doing so has the capabilities that it will require.

Section 2 – Review Process

2.1 The Review Team

The review has been led by an independent panel comprising Michelle Francis, Jane Hope and Andrew Thin (chair). Between them they offer many years of diverse experience gained in the private, public and third sectors, and they have brought to the review a set of insights gained outside the wild fisheries management sector that have been important in looking at the system from fresh perspectives.

Working alongside the panel has been a technical advisory group comprising John Armstrong (Marine Scotland), Richard Fyfe (Scottish Environment Protection Agency), Ron MacDonald (Scottish Natural Heritage) and Simon McKelvey (Institute of Fisheries Management). These individuals, together with other experts from their constituent organisations, have been central to getting at the root of key issues and understanding the underlying complexities.

Two civil servants from within the Scottish Government, Carole Barker-Munro and Naeem Bhatti, have provided support throughout the process, including managing to excellent effect the plethora of stakeholder meetings, contacts and written submissions, as well as ensuring speedy access for the review team to information and people when required.

2.2 Collaboration and Transparency

From the beginning the review team decided to adopt an open and collaborative process designed to maximise input from those with an interest in the outcome. One result of this was that members of the review team held more than sixty face to face meetings with interested parties during the course of the review, many of which took the form of a structured round table discussion involving a cross section of local interests. The number of written submissions to the review ran to three figures, but the most important consequence was a process that was participative, well informed and (at times) challenging - all vital ingredients in the production of this report. The review panel is indebted to all who contributed.

Collaboration with stakeholders comprised two distinct phases. The first two months of the review were devoted to an open information gathering phase, helping to give the review a solid grounding while enabling stakeholders to fully appreciate the remit and scope of the review itself. The next three months saw the review move into a much more challenging (for the team and for stakeholders) process of policy development. At times this involved quite transparent adjustments to thinking and direction that were uncomfortable for some, but the net result when it came to the report drafting phase was a set of proposals that had already been aired and tested in outline.

Given the large and diverse range of stakeholders with something to contribute to the review, it would not have been possible to pursue a collaborative process without a high degree of transparency about what was happening and how thinking was developing. In addition to numerous meetings with stakeholders held at locations around the country, the review team also decided to issue monthly progress bulletins via the internet. These were designed to be succinct and accessible, and as a result many people used them as a framework for their own contributions to (and engagement with) the review.

2.3 Defined Outcomes

The review was greatly assisted by the prior preparation of a baseline report for the Scottish Government by Peter Maitland, summarising existing management arrangements and issues across the sector. This enabled the review panel to define a set of outcomes at an early stage which it felt should be expected from a modernised wild fisheries management system, building on both the strengths and the weaknesses identified in the report. These outcomes were described to stakeholders in the April progress bulletin, and created an important basis on which stakeholders were then able to engage effectively in the review itself. They can be grouped under four headings as follows –

- A robust system in which people have confidence –
 - Ensuring that international obligations and domestic policy objectives of the Scottish Government are met.
 - Enjoying high levels of confidence among all stakeholders, nationally and internationally.
 - Based on constructive, effective and productive working relationships between all involved.
 - Delivered by people who have the right skills and access to the necessary data.
 - Founded on management decision making that is transparent and based on sound evidence.
 - Regulated in a proportionate, consistent, accountable, transparent and targeted manner.
- A primary focus of sustainable management –
 - A degree of medium to long term certainty.
 - All fish stocks maintained above their conservation limits.
 - Flexible management able to respond to changing circumstances (climate change, fishing at sea, disease, etc.).
 - Affordable within the wider economic and public spending context.
- An overarching strategic approach –
 - Based on a cohesive integrated national strategy that is given due regard in local management and decision making.
 - Local policy objectives met in the context of priorities identified at a national level.
 - Contributing to the economy and social cohesion of Scotland.
 - Consistent quality and effectiveness of management across all regions of the country.
 - Greater participation across the population in fishing and fisheries management.
- A system which is open and accountable –
 - Funded in a manner that is transparent and accountable.
 - Resourcing aligned with the economic and social benefits that may be derived from wild fisheries.
 - Governance that is open and transparent.
 - Performance that is monitored and openly reported.

2.4 International Comparisons

The review panel recognised early on that many of the challenges facing Scotland's wild fisheries are similar to those found in a number of other countries. Experience from Ireland, New Zealand and Canada was examined in order to provide a diversity of comparative information, and specific arrangements operating in England and Wales, Norway and Iceland were also considered. While this work was interesting and informative in itself, the review panel noted that different legal, political, geographical, ecological and cultural contexts rendered these comparisons of limited direct applicability.

2.5 Wider Scottish Government Engagement

Members of the review panel held meetings with senior officials from Marine Scotland, Scottish Environment Protection Agency and Scottish Natural Heritage during the course of the review in order to gain a better understanding of issues relating to the integration of wild fisheries management into the wider public administration. A number of local government representatives attended stakeholder meetings, and members of the panel also gave evidence to the Rural Affairs, Climate Change and Environment Committee of the Scottish Parliament.

During the course of the review the report of the Land Reform Review Group was published which contained a number of recommendations relevant to wild fisheries management. The review panel gave these careful consideration and discussed the recommendations with relevant stakeholders. Where appropriate they have been taken into account when framing the recommendations set out in this report.

2.6 Timescale

The review commenced in March 2014. The panel and technical advisory group met formally on a monthly basis to review progress and agree priorities for the period ahead. A great deal of work was undertaken by all involved in the periods between formal meetings so that systematic progress was made throughout the six month period. Contributions and feedback from stakeholders were considered and discussed as a standing item on the agenda for every meeting so that the collaborative nature of the review was maintained.

Section 3 – Fundamentals

3.1 Introduction

In the early stages of the review the panel considered a great deal of information about the operation of the current system in order to better inform its thinking for the future. The overriding impression taken from that work was of a system where personal enthusiasm, commitment and the principle of voluntarism are writ large. In any walk of life these are ingredients of huge potential value, to be treated with respect and embraced with sensitivity.

For any government the concept of stakeholder empowerment is potentially a double edged sword. Political leaders are elected through a universal franchise. They seek to deliver policy priorities on behalf of all, including policies that are the consequence of wider international agreements encompassing the interests of other electorates. This could be taken to imply a centralised command and control type model for the new wild fisheries management system. Empowering some has the potential to disempower others.

The review panel has thought long and hard about this dichotomy, and has examined relevant experience from south of the border and from overseas. Advice given to the review panel has been mixed. Control and empowerment make uncomfortable bedfellows, and with any power must also come responsibilities and reasonable limitations. The possibility of a destructive tension emerging between national direction and local empowerment has been a matter of great concern, but the conclusion of the panel is that there is far more to be gained from liberating the energies inherent in local empowerment within a new wild fisheries management system than there is to be lost from any resulting compromises over national control.

Recommendation 1 – The new wild fisheries management system should be firmly based on a decentralised and locally empowered model.

3.2 National Leadership and Coordination

At the heart of this review is an aspiration to see our wild fisheries managed in a manner that optimises their benefit both to the owners of fishing rights and to the Scottish people as a whole. In law wild fish are *res nullius* (nobody's property) until they are caught, and it is the right to catch them that can be privately owned. Democratically elected governments therefore have a key responsibility for, and role within, any new management system.

If national governments are to be able to fulfil their responsibilities and account for them to voters and relevant transnational authorities, then there needs to be some sort of national leadership function with associated statutory powers and duties in order to enable it to do so. That function should be primarily strategic and regulatory in nature, and it should be designed so that it sits comfortably alongside a decentralised and locally empowered delivery mechanism in order to make the most of local energy, enthusiasm and expertise.

Recommendation 2 – A small National Wild Fisheries Unit should be created within government in order to provide the new system with clear strategic direction, effective regulation and consistent national coordination.

3.3 Local Delivery

In countless different areas of public life the concept of stakeholder empowerment, often through the third sector and usually in some form of contractual partnership with government, has proved time and again to be highly effective at harnessing the enthusiasm, energy and voluntary resources of stakeholders in the interests of the wider population. Good examples of this exist across the full spectrum of public services, from heritage conservation to care services, and from community policing to adult education.

The existing wild fisheries management system in Scotland exemplifies this, and has over many years delivered a great deal of public benefit in all sorts of ways. Empowerment within a broader public service ethos can be a fragile thing however, bringing together as it does highly personal and individual motivations in the service of society at large. It should not be taken for granted. Success comes from careful design and governance, combined with sensitive relationship management.

If a decentralised and locally empowered wild fisheries delivery mechanism is to work well in Scotland then it will need to be designed with care. It will need to operate within a wider strategic framework that keeps the public interest at the forefront of thinking and prioritisation. There will need to be a strong partnership approach from government, and a clear expectation that delivery will be designed to fit within a national strategic context.

Underpinning all that will be needed some sort of funding platform on which to build and multiply the resources to be derived from local voluntarism. The conclusion of the panel is therefore that a framework should be put in place on which such a system can be built, enabling a managed and evolutionary transition from the current system, and ensuring an underlying consistency of public interest outcomes within this decentralised mechanism.

Recommendation 3 – The Scottish Government should facilitate the establishment and maintenance of a network of locally empowered Fisheries Management Organisations (FMOs) operating to an agreed local management plan under the leadership of the National Wild Fisheries Unit.

3.4 Focus on Public Value

For much of recorded history the social and economic significance of wild fisheries in Scotland has been dominated by salmon. This remains the case today, and it is reflected in the current management system. An important consequence of this has been a significant weighting of management resource and investment into salmon related activities, with relatively little attention being paid to other important wild fisheries species such as brown trout, pike and grayling.

Given the lack of control that Scotland has over much of the lifecycle of its salmon resource this represents a relatively high risk strategy, both for now and in future decades. It may also have resulted in worthwhile non-salmon related investment opportunities being missed or underutilised. While that may constitute a rational approach from the perspective of those who own salmon fishing rights, it will not necessarily optimise the public value derived from expenditure on wild fisheries as a whole.

Recommendation 4 – The new system should be based on an all species approach that seeks to spread expenditure so as to optimise the public value outcomes derived from all wild fisheries and minimise the risk inherent in a one species approach.

3.5 Management Rigour

Wild fisheries management is a complex business conducted against a background of highly imperfect knowledge. That has led to management actions that may sometimes have not been entirely based on rigorous science and robust evidence. While a degree of experimentation will always be desirable within the system for the discoveries that may result from it, unless the fundamental driver behind wild fisheries management is a rigorous focus on skilled use of scientific data and analysis within a risk based framework, then public value (and value for money) is unlikely to be optimised.

This focus on management rigour has particular significance in a decentralised system where there is limited central authority over local management, and where skills may be quite dispersed. It requires careful attention to reporting mechanisms linked to strategic priorities so that there is a high level of transparency with regard to management decision making throughout the system.

Recommendation 5 – Effective and highly transparent reporting mechanisms based on clear strategic priorities should be built into the new system at all levels, with a particular emphasis on demonstrating evidence based management and delivery of public value outcomes in line with the Scottish Government’s Best Value Principles.

3.6 Sustainability

The principle of sustainability lies at the heart of any effective wildlife management system designed to optimise public value. Almost by definition the concept of public value is as much about future generations as it is about today. The new wild fisheries management system will have to deliver sustainable outcomes from environmental, economic and socio-political perspectives, and it will also have to be sustainable in its own right.

Environmental sustainability implies good conservation status, improving habitat management and thriving fish populations. Economic sustainability implies thriving fisheries, tourism and associated equipment businesses, and a sector making affordable demands on the public purse. Socio-political sustainability implies stable or growing participation rates, improving skills and employment, and a variety of cross-cutting contributions that together ensure continuing public confidence in the sector. The new system cannot afford to fail in any of these key dimensions.

Recommendation 6 – The new system should seek to deliver a balanced range of outcomes across all three pillars of sustainability, with no one element predominating at the expense of others.

3.7 Democratic Accountability

At its most basic the purpose of the new system is to optimise the public value of Scotland’s wild fisheries on a long term sustainable basis. The concept is one that can lend itself to a variety of interpretations, but what constitutes a public value or priority at any given time is usually determined through democratic decision making processes.

The new system will be accountable through the national unit to Scottish Ministers, and thereby to the Scottish Parliament and electorate. The local FMOs will be accountable to the national unit (see para 5.5), but if local empowerment is to be meaningful and effective then they will also need to be accountable to the diverse range of local stakeholders, including local elected representatives.

Recommendation 7 – The national unit will be democratically accountable through the normal mechanisms of government. Broad based mechanisms and standards of public accountability should also be applied to the local FMOs in respect of their performance of public duties and the spending of public money, and built into them at a constitutional level.

Section 4 – National Leadership

4.1 Introduction

This report recommends that a National Wild Fisheries Unit should be created within government in order to provide the new system with clear strategic direction, democratically accountable regulation, and effective national coordination. This is fundamental to ensuring that the system is ultimately under the control of the elected government of the day, but it does not imply a centralised command and control delivery system. On the contrary the primary purpose of the national unit should be to empower local FMOs within an agreed framework in order to liberate local energies and harness local resources in the service of the wider public interest. If it is to do so there must be clarity as to what is, and is not, a function of the national unit.

4.2 Core Functions

The purpose of the National Unit is to ensure effective strategic leadership and accountable regulation for the system as a whole. In doing so it must provide advice to Ministers on the exercise of their powers in relation to wild fisheries, and it must create the framework within which local delivery organisations operate. Advice to Ministers will include *inter alia* advice in relation to international commitments and obligations, advice with respect to national development planning policy, and advice on a diverse range of issues relating to the strategic and resourcing framework that will underpin delivery of wild fisheries management on the ground through local FMOs.

Recommendation 8 – The core functions of the National Unit should reflect its strategic and regulatory purpose, and should be built around –

- Advising Ministers on all matters relating to wild fisheries management.
- Determining national wild fisheries management strategy, including research and data strategy.
- Ensuring sufficient resourcing of FMOs to enable delivery of national management priorities.
- Securing effective delivery by FMOs of national management priorities.
- Facilitating effective delivery by FMOs of local management priorities.
- Reporting publicly on wild fisheries management outcomes against national priorities.
- Ensuring accountable regulation, including licensing, of wild fisheries management.

4.3 Location in Government

The review received a great deal of advice and comment as to the most appropriate location for the new National Unit within the public sector framework in Scotland. Opinions were diverse, with a small number of submissions arguing for the creation of an entirely new public body despite the small size of unit envisaged by the review panel. Several submissions suggested a unit located within government, and a number proposed that either SEPA or SNH should take on the role.

The option of an entirely new public body would be costly and involve losing potential economies of scale. A risk of policy fragmentation and isolation would also be of concern. Creating a new National Unit within the Scottish Government would offer the most direct line to and from Ministers for the new system, and it would take relatively little effort to reorganise existing wild fisheries management functions into a single team. It might, however, be preferable to have certain regulatory functions located at arms-length from government itself so as to ensure a separate appeal route to Scottish Ministers if required.

Recommendation 9 – The National Unit should be located within the Scottish Government, and bring together existing policy and research functions within one integrated team. Expertise from across the public sector should be deployed to support the national unit on the basis of full inter-organisational cooperation, including through secondments and multi-agency collaboration.

4.4 Visibility and Profile

Wild fisheries are a national resource of significant social and economic importance to Scotland. The present system lacks a clear focus within government that can ensure effective linkages with other policy areas such as tourism, health, rural development, environment and local government. If these cross-cutting linkages are to be developed and strengthened, and if the same sort of policy integration is to be encouraged at a local level, then the National Unit will need to have a visibility and profile that would not normally be accorded to a single unit within a Scottish Government directorate.

Recommendation 10 – The National Unit should be headed by a senior figure able to command respect among stakeholders, both within the wild fisheries sector and across wider cross-cutting policy areas. Excellent communications skills and experience of working through semi-autonomous delivery bodies will be particularly important. Consideration should be given to giving the post a specific title designed to help give the Unit enhanced visibility and profile.

4.5 National Wild Fisheries Strategy

The new system will depend heavily on effective strategic direction from the national unit. In particular there will need to be clarity about strategic priorities in relation to international obligations and domestic public policy. FMOs will be expected to deliver national priorities as well as pursuing local priorities of their own. Moreover the national strategy will provide the main tool whereby wild fisheries management becomes better integrated with the delivery of wider cross-cutting priorities, and so it will have to link explicitly with other relevant policies such as the Scottish Government's Land Use Strategy or Tourism Scotland 2020.

Recommendation 11 – The National Unit should be required to produce and keep under review a National Wild Fisheries Strategy that is capable of providing an effective operational planning framework for local FMOs, and production of which involves widespread consultation with other key organisations operating in related policy areas.

4.6 National Wild Fisheries Research and Data Strategy

Effective risk based management of wild fisheries depends heavily on scientific understanding and access to relevant up to date scientific data sets, not least with regard to providing the basis for establishing conservation limits. The accessibility and internal consistency of these data will be a key factor in enabling coherent wild fisheries management at both national and international levels. The current system produces a great deal of data in relation to salmon, although there remain significant gaps within this. Information in relation to other species, including knowledge of the inherent potential of some of these fisheries, is often scant and fragmented.

The review has received a considerable amount of advice about the need to improve the consistency of research across Scotland, and the importance of diversifying the research focus to include a wider range of species. The panel recognises the importance of this, but also recognises the huge costs that could be involved. If resources are to be used to best effect then rigorous strategic prioritisation will be essential.

Recommendation 12 – The National Unit should be required to produce and keep up to date a National Wild Fisheries Research and Data Strategy as a framework for ensuring that the system is based on sound science, and that the resources available are deployed in a systematic, coordinated and optimally productive manner.

4.7 Best Practice Coordination

A potential weakness of any decentralised approach to delivery is the risk of inconsistent outcomes and standards within the one overall system. Some differences may simply reflect the diversity of local circumstances, and indeed may be desirable. The system must, however, be designed in order to ensure common and comparable standards of methodology and outcomes throughout all parts of the country.

Many public services are delivered across Scotland through decentralised delivery mechanisms to essentially the same standards in all parts of the country. Some private sector services, most notably franchise based businesses, do likewise. Almost all do so through the deployment of some form of best practice methodology that sets clear standards and expectations, and then monitors outcomes against these.

Recommendation 13 – The National Unit should include within it an explicit responsibility for best practice coordination across the system, based on methodologies used in other areas of the public and private sectors that utilise equivalent decentralised delivery mechanisms to secure consistent public services.

4.8 Performance Reporting

The new system must operate in a manner that is rigorously focussed on optimising public value. Integral to this is the need for transparent reporting at all levels within the management system. The leadership provided by the National Unit will be of central importance in this respect, and must be exemplary in all regards. Members of the public should be able to readily access performance information, and therefore be able to hold the national unit, FMOs and owners of fishing rights to appropriate account.

Recommendation 14 – The National Unit should be required to produce a publicly available annual performance report, summarising in accessible terms and against the strategic priorities set out in the national strategy the progress made against priority outcomes. This should include indicators relating to the management performance of both the National Unit and FMOs, the conservation status of fisheries stocks, and key cost and value for money indicators.

Section 5 – Local Delivery

5.1 Introduction

This report recommends that the new wild fisheries management system is based on a decentralised and locally empowered delivery model incorporating a network of local membership organisations - for the purpose of this report termed Fisheries Management Organisations (FMOs) - operating under the leadership of the National Unit. The proposal reflects experience in other parts of the public sector where high quality and consistent public services are delivered through locally empowered delivery mechanisms.

The report does not set out specific detailed proposals as to numbers of FMOs or their geographic coverage, but rather it describes the overarching principles on which this should be based. It is envisaged that FMOs will evolve out of the existing system of District Salmon Fisheries Boards (DSFBs), and in most cases will arise out of a merger between these DSFBs and existing local Fisheries Trusts (FTs). Some mergers between DSFBs would also be likely, reflecting the Scottish Government's better regulation agenda and leading to a significant refocussing of the current fragmented delivery system.

FMOs are proposed as the main mechanism through which most wild fisheries management activity is delivered, sitting within a framework that ensures the delivery of national as well as local priorities to a high and consistent standard across the country. If this is to happen it is essential that there is complete clarity about the balance of functions between the National Unit and local FMOs, and the manner in which the relationship between the two should operate.

5.2 Core Functions

The purpose of FMOs is to provide a delivery mechanism, through a management agreement with the National Unit, whereby effective and efficient wild fisheries management can be implemented on the ground in order to further both national and local priorities. This will include a significant contribution to national research and data gathering priorities where this is best conducted at a local level, but in addition FMOs will also fulfil the lead role in determining as well as delivering local management priorities.

Recommendation 15 – The core functions of FMOs should reflect their purpose as the all species management delivery mechanism for the new system, and should be built around –

- Delivering national wild fisheries management priorities at a local level.
- Advising Local Authorities and the National Unit on matters relating to wild fisheries management.
- Identifying and delivering local wild fisheries management priorities.
- Raising funds and other resources in addition to those provided through the National Unit.
- Reporting publicly on the outcomes of local wild fisheries management.
- Building cross-sectoral partnerships and facilitating wider participation.

5.3 Constitution and Governance

The review has received a wide range of advice as to the most appropriate constitutional basis for FMOs. Many of these submissions have been informed by the way in which the current system is organised. Of particular concern to many stakeholders have been issues of governance, including ensuring an inclusive and accountable governance mechanism that includes people who are adequately trained to fulfil their responsibilities.

At one end of the spectrum FMOs might be established under statute and provided with relevant statutory powers and duties, but in a modern democracy such an arrangement implies a level of democratic accountability for these bodies (for example through boards appointed by Scottish Ministers) that may sit uncomfortably with the principle of genuine decentralised stakeholder empowerment. At the other extreme it has been suggested that FMOs might simply be private companies, cooperatives or associations, engaging on a purely contractual basis with the National Unit. Such a system might work, but it might be difficult to ensure a genuinely public interest focus through such a route.

On balance the review panel are of the view that FMOs will need to be constituted on a public interest basis according to an agreed model constitution, but that they should operate as membership organisations outside the public sector. Given the anticipated scale of operations, constitution under the recent Scottish Charitable Incorporated Organisations Regulations (2011) rather than as a fully constituted charitable company may be preferable, although either would be appropriate. In both cases the demands of the Scottish Charities Regulator, combined with the disciplines inherent in approved body status (see below), should be sufficient to ensure effective standards of governance.

The review panel has considered the issue of inclusivity in relation to governance, and concerns expressed to the review about the potential for conflicts of interest arising in bodies led in large measure by local stakeholders. The panel has also noted an understandable anxiousness among owners of fishing rights that their particular role in local fisheries management should continue to be accorded appropriate weight. So long as FMOs are so constituted as to enshrine at board level an appropriate balance of interests (for example through reserved board places for particular interest groups), there is no reason to believe that the checks and balances within charitable law should not be sufficient to address these issues.

Recommendation 16 – FMOs should be constituted as Scottish charitable incorporated organisations or as charitable companies, adhering to a model constitution that is provided by the National Unit and which incorporates appropriate membership and governance arrangements.

5.4 Approved Body Status

The fact that a charitable organisation has been formed for the purpose of delivering local fisheries management should not on its own confer on that body formal FMO status. FMOs will need to be demonstrably fit for purpose on an ongoing basis, and they will collectively need to secure full geographic coverage of Scotland without overlap. This should be kept under review by the National Unit. FMOs will need to satisfy certain criteria in terms of capacity, competence, accountability, transparency and geographical coverage. In particular they will need to agree appropriate local fisheries management plans and annual business plans with the National Unit, as well as producing performance reports that meet relevant requirements. Over time some of these criteria may evolve and change, and moreover the geographic distribution of FMO boundaries across Scotland may not be static.

Implicit in the concept of a system based on decentralisation and local empowerment is the likelihood that the exact geographical area to be covered by each FMO will be a matter requiring considerable discussion between the National Unit and local stakeholders. It would not be desirable for there to be more than one FMO covering the same geographical area, and care will be required in order to avoid the creation of too many FMOs and an overly fragmented system. In some parts of the country strong local senses of identity may support a case for some sort of federated structure within one FMO in order to give this expression, and so long as the FMO itself is able to meet national requirements there is no reason why such an approach should not be adopted (and indeed encouraged).

A number of submissions to the review, supported by a recommendation of the Land Reform Review Group, suggested that local management of wild fisheries should become better integrated within the wider catchment management framework being developed in response to the EU Water Framework Directive. There are currently eleven River Basin Management Plan Advisory Groups in Scotland which are based on catchment management areas, and these in turn sometimes have partial or even complete contiguity with the boundaries of existing fisheries trusts.

Recommendation 17 – The National Unit should establish and keep under review a set of criteria defining Approved Body Status for FMOs. These should include the model constitution referred to in recommendation 16, and may include a range of other criteria that must be met by any organisation or grouping seeking to become a local FMO. The National Unit should be required to ensure coverage of the whole of Scotland by a network of approved FMOs, which might include FMOs structured internally on a federated basis in some areas. This process should be conducted through negotiation and dialogue, but subject to the exercise of reserve powers (see below) if necessary.

5.5 Framework Agreements and Management Plans

The core functions proposed for FMOs imply a robust plan based approach to the relationship between each FMO and the National Unit. Those plans must be locally derived, supported and implemented, and they will need to fully address national as well as local priorities. The nature of wild fisheries management means that planning cannot be undertaken against too short a timescale, but equally there will need to be enough flexibility to accommodate evolving circumstances and unexpected change. This flexibility will need, in particular, to take account of changes to public policy priorities and available resourcing which may be difficult to predict beyond a relatively short (two or three year) timescale.

The review team has drawn on experience from elsewhere where public interest outcomes and services are delivered by third sector organisations operating in partnership with a public sector organisation. This experience suggests that a system based on multi-year framework agreements works well with regard to ensuring medium term planning time horizons, and that within this a contractually based system of agreed annual business plans and budgets ensures the flexibility necessary to accommodate inevitable uncertainties around resource availability.

Recommendation 18 – The National Unit should establish a system of three year Framework Agreements wherein it agrees in principle a local Fisheries Management Plan for the area covered by each FMO, but subject to confirming annually a concise business plan and budget. Fisheries Management Plans should be subject to local consultation with relevant stakeholders prior to being agreed by the National Unit. As a minimum they should set out clearly how the FMO plans to contribute to delivery of national priorities detailed in the National Wild Fisheries Strategy (including the Research and Data Strategy), and they should normally also describe local strategic priorities alongside plans for how these will be delivered and funded.

5.6 Performance Reporting

Robust and transparent performance reporting, including in relation to key national public interest outcomes and value for money indicators, is central to ensuring effective accountability and a focus on management rigour within FMOs. The emphasis placed on local empowerment should in no sense detract from the importance of ensuring that performance is reported thoroughly and openly in order to enable full public scrutiny.

The FMO's three year Framework Agreement and annual business plan will provide the basis for a contracting cycle in which performance informs future agreements. If the public are to have confidence in this system it will be essential that they are able to compare plans with performance, and understand how this has informed future plans.

Recommendation 19 – FMOs should produce an annual report detailing *inter alia* performance against their Framework Agreement and annual business plan together with a full financial report and an assessment of the condition of local fisheries stocks. These annual reports should be submitted formally to the National Unit, and made publicly available.

5.7 Reserve Powers

A decentralised and locally empowered delivery model such as is outlined above leads to the possibility that in one or more parts of the country local stakeholders may not, for whatever reason, wish to form a FMO that meets the requirements of approved body status. Equally it is possible that such an FMO may form and then find itself unable or unwilling to operate to satisfactory standards. In such circumstances there must be a mechanism whereby national wild fisheries management priorities can continue to be fulfilled in that area, even if local priorities are not to be pursued.

The review panel has considered a number of options in order to address eventualities of this nature, including the option of Ministers having a power to direct FMOs as currently exists, for example, in relation to some Colleges of Further Education. On balance the panel has concluded that so long as Ministers have flexible reserve powers to make alternative arrangements where necessary, then the option of being able to formally direct FMOs may not be required.

Recommendation 20 - Scottish Ministers should have reserve powers through the National Unit to make alternative arrangements in order to ensure effective local delivery of national wild fisheries management priorities, where they are satisfied for the time being that no effective local FMO can be formed or relied upon. These powers should include *inter alia* the power to invite a neighbouring FMO to deliver services (such as research and data gathering) in the area in question, and/or to deliver those services directly through the national unit. Use of these powers should normally be seen as a measure of last resort until an effective local FMO can be (re)established.

5.8 Cross Border Issues

Two important fisheries, the Tweed and the Border Esk, straddle the border between Scotland and England along sections of their watercourse. A formal agreement between the Scottish and Westminster Governments means that the Tweed is treated for fisheries management purposes as being wholly in Scotland, and the Border Esk as wholly in England. The review panel has seen nothing to indicate that this arrangement is unsatisfactory.

For historical reasons the fisheries legislation governing the Tweed is different from that currently governing other rivers and catchments in Scotland. As a result the current fisheries management system for the Tweed is similar to, but not the same as, for any other river in Scotland. The review panel has not seen persuasive evidence to suggest that this distinction remains either appropriate or necessary.

Recommendation 21 – The current agreement between the Scottish and Westminster governments with regard to the Tweed and Border Esk Rivers should be maintained, with the Tweed being brought under the same FMO arrangements as recommended across the rest of Scotland.

5.9 National Liaison and Cooperation

Under the current system an important national coordination function has been fulfilled by the Association of Salmon Fisheries Boards (ASFB) and Rivers and Fisheries Trusts of Scotland (RAFTS). While the creation of the National Unit will replace the need for much of this, it is likely to remain important that FMOs have some mechanism whereby they can come together on a regular basis to compare notes, develop cooperative initiatives and conduct collective discussions with the National Unit itself. This function should not be seen simply as one of crude information exchange, but also as an important means whereby a sense of collective national purpose and shared mission is developed and sustained across an otherwise decentralised and potentially fragmented system.

Recommendation 22 – Consideration should be given to establishing a formal advisory committee to the National Unit, perhaps comprising one representative from each FMO, with a view to ensuring effective ongoing liaison and collective endeavour across the system.

5.10 Transition Arrangements

For many of those employed by or otherwise involved in local DSFBs and FTs, the prospects of a change to FMOs is inevitably both an exciting and a daunting prospect. While in general submissions to the review have been supportive of the need for change, the importance of a well-planned transition process that sustains employee confidence and retains key skills has been emphasised by several people. The detail of any change process will depend on the Scottish Government's response to this report and will be a matter for them. The review panel has noted, however, the significance of this issue and the importance of ensuring clear and effective communication with all involved.

If the transition to a new system is to be implemented to best effect then it will require strong leadership from within the sector, and not simply from government. It will require a transition process that is collaborative and coordinated from within the sector itself, reflecting the core principle of decentralisation and stakeholder empowerment that this report has emphasised. This need not wait for completion of formal legislative change by government, but can commence just as soon as the intention of government is clear.

Recommendation 23 – Consideration should be given, in consultation with the AFSB and RAFTS, to developing and implementing a formal transition programme for fisheries management at a local level that involves integrating existing DSFBs and FTs into shadow FMOs ahead of any legislative change arising from this review.

Section 6 – Resourcing

6.1 Introduction

Ensuring sufficient funding for the new management system, including for any additional costs arising from greater emphasis on an all species approach, has been a matter of great concern to the review. Anecdotal feedback suggests that commercial income from some wild fisheries, especially from salmon, may have fallen in some parts of the country in recent years. Yet the social and economic benefits that are derived from wild fisheries in Scotland are still considerable, and compare favourably with the cost of resourcing a basic management system that will deliver core national priorities.

Significant funding is already made available through (inter alia) Marine Scotland, SEPA and SNH, and via the salmon levy. After careful consideration the review panel is satisfied that, while additional funds (especially capital funding for fish counters) would be helpful in reducing levels of uncertainty for risk based regulation, these funding streams are sufficient to resource a basic system. So long as the new system focuses on efficiency of resource utilisation, and continues to harness the current levels of enthusiasm, commitment and voluntary resource, the review panel does not believe that there is an urgent need to develop new income streams other than to cover the costs of a sustainable harvesting system for salmon (see below).

Scotland's wild fisheries are, however, a public asset of considerable potential. The level of tourism income to be derived from the sector is probably underdeveloped, especially in relation to species other than salmon. The wider social benefits to be gained from increased participation, particularly amongst younger age groups, are significant. Fully realising this potential will not only require additional development expenditure, it will also increase the research and management costs associated with ensuring that any increase in exploitation remains sustainable. The matter of whether resources in addition to those needed for the basic system may be required is therefore closely associated with questions about the aspirations that stakeholders have for developing the sector.

One issue of particular concern to the review has been the heavy dependence of the current system on income (other than direct public funding) that is ultimately derived from people fishing for salmon at a time when the future of salmon fishing in Scotland is far from secure. This not only creates a risk with respect to income security, but it also places a heavy reliance on the relatively few people (owners of salmon fishing rights) who provide this funding. A number of submissions to the review pointed to a need to diversify income away from this narrow base, perhaps through a general rod licence. Others, however, noted that most of the current costs arise primarily from the demands of salmon management and conservation.

6.2 Direct Public Funding

A significant amount of public money from within departmental expenditure limits is already allocated to core wild fisheries management priorities through Scottish Government funding of the Pitlochry Freshwater Fisheries Laboratory and other functions within Marine Scotland. Most of this relates to salmon policy development and research. The proposal to bring these functions together into a single national unit may deliver some modest efficiency gains, but increasing demands in relation to reporting on international salmon related obligations are likely to require a small addition to, and/or reprioritisation within, this funding source. The review panel does not, however, anticipate that this is likely to be significant within the wider departmental funding context.

Public funds are also made available to SEPA and SNH through their Grant in Aid (GIA) allocation that are deployed in relation to wider catchment management work, both for employment of specialist staff and in the form of project specific funding to existing local delivery mechanisms (usually fisheries trusts). Other significant amounts of public funds are made available for projects linked to wild fisheries management through the Scottish Rural Development Programme and via a number of other EU and Scottish funding initiatives. Again the panel does not consider it likely that the new management system will require significant adjustments to the amounts involved.

6.3 Standard Fisheries Levy

Resourcing of the current system at a local level depends heavily on the salmon levy that is raised locally from the owners of salmon fishing rights under statutory authority. The system relies on an assessment of value that is based on the number of salmon reportedly caught by each owner – something that is difficult to verify – and uses a different basis to assess rod and net fisheries respectively. While it is entirely reasonable for owners of fishing rights to make a substantial contribution in this way, it might be more logical to raise a levy from the owners of all wild fishing rights, and on a more objective and comparable assessment of potential commercial value.

The review panel has listened carefully to a wide range of views on this subject, and has taken note of relevant recommendations made by the Land Reform Review Group (LRRG). Unpredictability about the long term future of salmon fishing in Scotland combined with the evolving significance of other fisheries supports the logic of extending the system over time to cover all wild fisheries with significant potential commercial value. The case made for greater national consistency is also logical, as are questions that have been raised around the level of democratic accountability that should be attached to those with the authority to raise what is a compulsory public levy. Lastly the inefficiencies inherent in a highly fragmented local collection system appear to be significant, and are unlikely to be in the public interest.

The panel recognises, however, the importance of a clear link between the levy system and local delivery of wild fisheries management, and the risks that would be inherent were the levy system to become seen by stakeholders as just another form of national taxation. It is therefore important that any changes to the system include a high level of transparency in relation to deployment of the funds derived from it, so that stakeholders (and especially those paying the levy) can see where and how those funds are being utilised.

Recommendation 24 – The current salmon assessment and levy system should be reviewed and reformed so as to eliminate reliance on self reporting of catches. It should be extended to include all fisheries of significant potential commercial value (i.e. to become a wild fisheries levy), and it should treat on a comparable basis all those who have the potential to derive commercial gains from their ownership of fishing rights (both rod and net fisheries).

Recommendation 25 - A standard levy rate, determined by Scottish Ministers through the National Unit, should apply to all wild fisheries in Scotland regardless of location, and be set at a level approximately equivalent to that which might be expected if such fisheries were required to pay business rates. Utilisation of funds arising from the standard rate should be determined by the National Unit in accordance with national strategic priorities, and deployed across Scotland in a fully transparent manner according to priority need (i.e. for the most part through the FMO in the area where they are raised, but with the flexibility to redeploy funds to other FMO areas where need may be greater).

6.4 Locally Enhanced Fisheries Levy

The current system does not levy the same rate in the pound in all parts of the country, this being set locally by the relevant DSFB. The rates charged vary considerably, and in some areas where the owners of salmon fishing rights have chosen not to form a DSFB no rate is charged at all. While the case for reform of the current salmon assessment system is strong, including the creation of a common standard rate of levy paid by all, there remains a credible case for a locally enhanced levy across much of Scotland where local management priorities and aspirations justify this.

The review panel has thought carefully about the issue of accountability in relation to the setting of what is a compulsory levy or tax. The standard rate will be set by Scottish Ministers and so democratic accountability can be ensured through that route. No such equivalent democratic accountability route will exist at local FMO level however, and there are significant risks involved in giving FMOs the power to raise a compulsory locally enhanced levy from a group of individuals (owners of fishing rights) who will not hold a majority on FMO boards.

Recommendation 26 – Local FMOs should have the right to propose to the National Unit a locally enhanced levy for the purpose of funding local priorities in addition to those financed via the National Unit through the standard rate. The FMO should be required to demonstrate that this is necessary for ensuring sustainable management of local fish populations, and affordable within the context of potential commercial incomes from the fisheries concerned. Scottish Ministers should then have the power to set a locally enhanced levy on the basis of this proposal if they considerate it appropriate to do so, with all the funds raised being made available to the FMO in question to be spent on local priorities.

Recommendation 27 – Collection of both the standard and locally enhanced fisheries levy should be centralised, through the National Unit or another appropriate organisation, in order to minimise collection costs.

6.5 Rod Licence

One of the most contentious and polarising issues considered by the review has been the possibility of introducing a compulsory rod licence scheme for Scotland. Systems based on charging all anglers an annual licence fee, often at differential rates according to quarry species and sometimes including a permit to fish in certain waters, have been established in a number of other countries. The arguments made in their favour focus on the fact that anglers are exploiting a public resource and should therefore contribute to the cost of maintaining it in good health. The arguments against note that anglers in Scotland must already pay to fish through permit charges made by owners of fishing rights, and it is therefore these owners who should finance the management system.

The review has considered the issues associated with a rod licence with some care. While some submissions on the issue have been discouraging of the idea, many have underlined the opportunity that a significant new income stream would represent for the sector, in particular with regard to increasing participation and extending the range of angling opportunities that are available. While there are some stakeholders who are relatively inflexible in their opposition, the review panel has gained the impression that overall support might be considerable if the funds raised were demonstrably and transparently used for purposes related to development of the sport and improving access to sustainable fishing. The panel has therefore concluded that serious consideration should be given to introducing a rod licence in Scotland, but firmly within the context of providing the funding mechanism for a well organised national angling development programme.

Recommendation 28 – Relevant stakeholder organisations, with support from the National Unit, should be invited to develop detailed proposals for an Angling for All Programme for Scotland, of which an integral element would be a national rod licence scheme the income from which is dedicated to financing the programme.

Recommendation 29 – Ministers should be given the statutory power(s) required to introduce a national rod licence scheme, but should do so only if/when they are satisfied that the other elements of a well-supported national Angling for All Programme are in place.

6.6 Charges for Licenses to Kill Salmon

Section 7 of this report includes recommendations in relation to the introduction of a compulsory ban on the killing of wild salmon in Scotland except under possession of a license to do so. This element of the review panel's recommendations will, if implemented, involve significant extra costs that are not currently incurred. In particular, if licenced cull levels are to be set accurately and an overly precautionary approach is to be avoided, then additional (and potentially expensive) expenditure on data gathering will be necessary.

Given the material benefits that accrue to the individuals concerned, the panel are of the view that the cost of implementing such a system (including additional research and data collection costs) should be fully covered through charges paid by those who wish to harvest fish in this way. Furthermore the panel recognise, given the impact of killing fish on the interests of anglers fishing on a catch and release basis, that there may be justification for deriving from these charges an element of extra funding that can be deployed for wider wild fisheries management activities.

Recommendation 30 – Powers should be introduced whereby a charge may be made by the appropriate licensing body, on at least a full cost recovery basis, for the issuing of licenses to kill wild salmon within the context of the recommendations contained in section 7.

6.7 Charitable and Other Sources

Many sports and recreational activities rely heavily on voluntarism, charitable giving and commercial sponsorship for their support. Many also utilise and depend on, in part or in whole, publicly funded assets. Wild fisheries management is little different from many other recreational interests in this respect. This report has therefore placed particularly strong emphasis on the need for the new system to recognise and harness the full power inherent in effective stakeholder engagement and empowerment, and has noted the high level of voluntary and charitable input already harnessed through DSFBs and (in particular) FTs.

The main vehicle for achieving this will be the local FMOs. If constituted and empowered to good effect they will be well positioned to attract voluntary input to a wide range of tasks and functions. They will be able to attract charitable donations, in particular for individual projects for which such funding is especially well suited. In many cases they will be able to attract commercial sponsorship and donations, for example from wind farm and hydro-electric companies, although care must be taken to avoid associated conflicts of interest (for example in relation to FMO advice to local planning authorities).

Recommendation 31 – Local FMOs should be encouraged to source a significant proportion of their overall resource requirements with respect to local priorities from charitable and commercial sponsorship sources, and this should be built into business planning and reporting requirements. Integral to this should be an expectation that the skill set required of those leading FMOs should include reference to the leadership and governance of activities resourced through charitable funding.

Section 7 - Sustainable Harvesting

7.1 Introduction

Modern fishing has its origins deep in our hunter gatherer past. Even today a significant element of the wild fisheries sector in Scotland, in particular the netting of salmon, is a hunting or harvesting activity rather than a recreation. In many instances, of course, it is both. Any activity that relies on harvesting a wild and finite natural resource must be managed with a great deal of care in order to ensure that it remains sustainable.

Some parts of Scotland's wild fisheries are in relatively good order, but there are significant pressures on elements of it, in particular as regards migratory salmon and sea trout where a number of factors at sea are having an impact on both these species. Other non-migratory species are also under pressure in certain localities, often due to pollution and factors relating to habitat management, but also in some instances due to unsustainable harvesting. The review panel has therefore given particular thought to how potentially unsustainable harvesting pressures might be better managed.

7.2 Primary Responsibility of Owners

Under current legislation owners of fishing rights (whether exercised by rod or net) are normally entitled to harvest as many fish as they wish subject to certain restrictions with respect to equipment that may be used, closed days and seasons. If these rights were to be exercised in a way which caused damage to what is in effect a public resource, this would not only be a selfish act but also one that clearly runs contrary to the public interest. Primary responsibility for ensuring sustainable harvesting should therefore be an integral obligation that goes with the ownership of fishing rights.

The review team found little evidence that unsustainable exercise of fishing rights is anything but rare in Scotland, but anecdotal evidence was submitted to the effect that in some isolated instances owners of fishing rights may have deliberately culled certain species of coarse fish in an unsustainable manner as part of wider salmon specific fisheries management. Concerns were also expressed to the review that some owners, including owners of some salmon netting operations, may be inadvertently and/or incautiously exercising their rights in an unsustainable manner.

Recommendation 32 – Consideration should be given to whether an offence of reckless or irresponsible exercise of private fishing rights might be introduced into statute, designed to require the owners of such rights to exercise them in a sustainable manner with respect to populations of all wild fish species in the area(s) where their rights apply. This might include consideration as to whether such an offence might trigger penalties through cross compliance mechanisms.

7.3 Prohibiting Harvesting

However responsible the behaviour of those who own fishing rights, there will be circumstances where particular fish populations come under pressure from sources outside the owner's control. Disease, pollution, illegal fishing and (in the case of migratory fish) threats in other parts of their habitat all have the potential to reduce populations to a level where it will be justified in the public interest for government to prohibit further harvesting, at least until the population in question has recovered. Information submitted to the review suggests that salmon and some species of coarse fish may already fall into this category.

In common with the management of other valuable and scarce game animals, there will be some circumstances where the cost of introducing a system of killing licenses to control harvesting of that species may be justified well before the population in question has declined to a level where an absolute ban on harvesting is necessary. Such a system can then be used to manage the level of harvesting in a sustainable manner and maintain some of the economic advantage that arises from this. At the present time the only species where this is likely to apply is salmon.

Recommendation 33 – Ministers should have the power to introduce a ban on the killing of particular species of wild fish, usually until further notice, at either a national or local level in the interest of conservation of stocks. Such a ban might include specifying particular methods and equipment that may still be used to fish for the species in question in a non-lethal (i.e. catch and release) manner, and might include the introduction of an associated licensed killing system to allow some harvesting of the species otherwise subject to such a ban. Under this power an immediate ban should be introduced in relation to salmon (see recommendation 34) and in relation to a selected list of other species following consultation with relevant stakeholders. The sustainability of sea trout harvesting should also be kept under close review.

7.4 Salmon Conservation

Salmon are a migratory species, and Scotland occupies a place of some importance in their life cycle in the North Atlantic. Our rivers provide one of the more significant spawning grounds in NW Europe, and our coastline constitutes parts of the main migration routes for salmon travelling to spawning grounds in England, Wales, Ireland, France and Spain. For millennia Scots have been blessed with a sustainable harvestable surplus of these fish, and in more recent decades migrating salmon have come to underpin a valuable recreational fishery of international renown. Unsurprisingly the review team received a great many submissions relating to the importance of ensuring that harvesting of this species is kept to sustainable levels for the foreseeable future.

Conservation of a migratory species like salmon is something that can only be achieved through international cooperation. Salmon in the North Atlantic spend much of their life at sea, travelling between Greenland and the European coast and feeding in waters far from Scotland. They re-enter Scottish waters for the most part only when they are getting ready to spawn. Scotland therefore has a vital role to play in international efforts to conserve this species, mainly through ensuring that the number of young fish (smolts) exiting to sea from spawning grounds in Scottish rivers remains stable or at increasing levels.

The review has considered carefully how best Scotland might play its full part in international salmon conservation efforts. Many of the threats involved are believed to occur well out to sea and beyond the jurisdiction of the Scottish Government, but we are in a position to ensure, so long as enough fish return to Scotland, that a sufficient proportion of these are able to spawn successfully so as to maintain the number of exiting smolts on a stable or rising trend. Within the context of recommendation 33 the review team therefore wishes to make an additional recommendation with respect to wild salmon, based on equivalent game management and rationing systems used elsewhere.

The recommendation has significant cost implications, especially with regard to the initial set up costs of such a system. Additional research expenditure would, over time, also be required in order to increase confidence in determining the number of fish that might be sustainably killed and so reducing the need for this to be done on a precautionary basis. The review panel has not costed such a system in detail, but it estimates that after set up costs the annual running costs could be comfortably met through a cost per fish killed that is likely to be well within what the market would be able to bear.

Recommendation 34 – As soon as is practicable Ministers should introduce a ban on the killing of wild salmon in Scotland except under license, and specify the types of equipment that may still be used to fish for salmon on a catch and release basis unless a killing license has been obtained. Ministers should also specify the dates when such licenses, which should be non-transferrable, may be exercised. Owners of salmon fishing rights who wish to kill salmon should be required to apply for a license to do so (specifying the number of fish sought) by the end of December in the year preceding the year in which the license is to be exercised. Applications should be considered and, if thought sustainable on scientific grounds, approved by a suitable public authority with the applicant having a right of appeal to a higher authority if the license is refused or a reduced number of fish consented. The basis of appeal should be that the applicant is able to demonstrate that the application would be sustainable within the context of all other applications lodged by the due date. Licenses approved should be issued only on payment of an appropriate fee designed to ensure full cost recovery, and managed through the issuing of numbered, year and location specific tags that must be attached immediately to any fish killed. This would mean that possession of a fish without such a tag would become an offence, and any fish killed by accident could not be kept unless a tag is attached.

7.5 Mixed Stock Salmon Fisheries

A number of fisheries exist in Scotland where salmon are being harvested that might otherwise have gone on to spawn in one of several possible rivers. Determining sustainable harvesting levels for such fisheries is particularly complex and difficult. Even where the identity of the destination rivers is known through genetic research or tracking, there may be complications if one or more of those rivers is showing a particular decline in salmon numbers and/or the number of exiting smolts (or where there is currently insufficient monitoring - some such rivers may be outside the jurisdiction of the Scottish Government). If these fisheries apply for licenses to kill salmon it will be important that such applications are assessed in a precautionary but proportionate manner, reflecting current knowledge of the conservation status of the stocks involved.

The review panel has given a great deal of thought to how best license applications from mixed stock fisheries might be responsibly assessed. In such circumstances it is important that any licenses issued are compatible with Scotland's international obligations, and therefore according to a broadly precautionary approach where data are uncertain. This is of particular significance where fish from rivers protected under the EU Habitats Directive may be involved. It is therefore possible that in certain cases a reduction in the number of fish killed may be justified as compared with current harvesting levels.

Recommendation 35 – Any consideration of an application to kill migrating salmon by a mixed stock fishery should take full account of current knowledge regarding the conservation status of fish populations in all destination rivers known to be involved, and where appropriate a precautionary approach should be adopted. If this results in licenses being issued for catches significantly below current levels, consideration should also be given to agreeing a stepped reduction over a reasonable period (perhaps three years) where there is evidence that this is necessary in order to enable the underlying business(es) to adapt to the new sustainable catch level.

Section 8 – Sound Science

8.1 Introduction

Effective wild fisheries management and regulation must be based on sound science, including social science. This will require a thorough understanding of evidence based management methodologies, robust data sets on which these can be founded, and people at all levels within the system who have the skills to apply this in an effective manner. It will also require people, particularly at a national level, with the ability to deliver effective research and development support so that the knowledge underpinning the system remains relevant and current in the face of changing circumstances.

The review received a great deal of advice about the knowledge base on which the current system is founded, including the current fisheries science strategy. A number of important gaps were identified, and some concerns were expressed to the panel about the current fragmentation of data gathering effort. The reliance on self-reported catch data was also noted, as was the challenge of implementing risk based management in the face of these uncertainties.

It is clear that a great deal of effort has been devoted in recent years to professionalising wild fisheries management in Scotland, and to improving the scientific understanding on which it is based. A number of individuals and organisations were mentioned as having played a key role in this. The priority for the new system will be to continue that improvement process, recognising that knowledge will always be imperfect, and taking care to ensure that science remains the servant of good management rather than an end in itself.

8.2 Methodology

People have been managing wild fisheries since before recorded history. Methodologies have evolved and become more widely adopted where they are perceived to have been effective. The highly localised management system in Scotland has tended to lead to a degree of fragmentation in the development of new methodologies, and there remains within the system a degree of localised custom and practice that is not necessarily wholly explicable on scientific grounds.

In recent years a great deal of effort has gone into improving collaboration across the country, encouraging the sharing of knowledge and securing skills transfer where appropriate. The Institute of Fisheries Management and the Scottish Fisheries Coordination Centre have played important roles in this, as have other national organisations. The new system will need to continue and further develop this process of closer integration and collaboration in order to ensure consistent delivery across all FMOs and more widely.

Recommendation 36 – The National Unit should lead the development of a system of clear national standards for wild fisheries management (including data collection and storage) that will apply across all parts of the country and be subject to compliance checks by the National Unit.

8.3 Data

Good management methodologies are only as effective as the quality of the data which underpin them. However data collection is expensive, and there will always be more things to monitor and measure than there are resources to do so. It will therefore be important, especially within a decentralised delivery system, that data gathering priorities and processes are tightly defined by the National Wild Fisheries Research and Data Strategy, and kept under review so as to ensure that they continue to serve a clear end purpose.

The review received submissions suggesting an increase in data gathering in a number of areas. These included proposals for more detailed (and expensive) data gathering in relation to the movements of salmon and sea trout, but also proposals for more basic distribution research with respect to other non-migratory species. In practice management decisions will always have to be made on the basis of imperfect information, and that must be reflected in the methodologies used. What matters is that funds used for data gathering are focused on furthering strategic priorities, and that the collection of data is never allowed to become an end in itself. No persuasive evidence was submitted to suggest that a significant increase in data collection expenditure is essential, particularly if a precautionary approach to sustainable levels of harvesting is adopted (see section 7).

Recommendation 37 – Research and data gathering should be strategically driven, rigorously prioritised, and in the short to medium term should include the following –

- Criteria for determining salmon killing license applications (conservation limits).
- The feedback loop linking salmon licenses issued and resulting impacts on stocks.
- Salmon related data for reporting to NASCO and the EU.
- Habitat productivity, resilience and enhancement potential for all species.
- Impacts on sea trout and salmon survival in the Scottish marine environment.
- Basic mapping of Scotland's wider all species wild fisheries resource.
- The effectiveness of catch and release as a conservation tool (i.e. associated mortality).
- Potential threats to wild fisheries populations (disease, invasive species, climate change, etc).
- Market research to support work to increase the socio-economic contribution of wild fisheries.

8.4 Skills

No matter how good are the methodologies and data that we have available in Scotland, they will only ever be of limited value if we do not also have people with appropriate skills available at all levels. This is particularly important in a decentralised system, and in relation to ensuring that management decision making throughout the system is at all times rigorously focused on value for money.

A decentralised and locally empowered system that depends to a significant extent on voluntarism and local enthusiasm carries with it the potential risk that appropriate skills will not be available throughout. In particular the very fact of empowering local enthusiasts inevitably leads to the risk that personal enthusiasms and public value outcomes may not always be fully aligned. It is therefore essential that all decision makers in the new system are trained to an appropriate level, and that fit for purpose individual and collective appraisal systems are deployed throughout.

Recommendation 38 – Working through the Institute of Fisheries Management and other suitable organisations, the National Unit should ensure effective training and CPD availability for all decision makers in the system, including in relation to the following priorities –

- Research and data collection.
- Risk based decision making using relevant models.
- Habitat management and enhancement.
- Project and contract management.
- Leadership and governance.
- Marketing, partnership working, and community/stakeholder engagement.

Recommendation 39 – Effective appraisal systems (preferably 360 degree based) should be implemented for all key functions in the system, and be made a condition of approved body status for FMOs.

8.5 Cross-cutting Agendas

Wild fisheries management does not operate in isolation. It forms part of a much wider set of activities that are concerned with the management of our natural resources in order to maximise public value. In particular it has important links to strategic priorities with respect to river basin management, biodiversity conservation, rural economic development, tourism, outdoor recreation and health. In relation to salmon and sea trout, wider issues relating to inshore fisheries management and marine survival of other pelagic species are also relevant.

Recommendation 40 – A high level of priority should be accorded by all parties to ensuring that management methodologies, research, data collection and skills development are implemented in a manner that seeks to better integrate wild fisheries management within wider cross-cutting agendas, including through secondment of staff and multi-agency collaborations.

8.6 Citizen Science

Many people involved in wild fisheries management, especially at a local level, have come to the subject through a personal interest in recreational angling. They work alongside highly competent professional scientists, and it is important that they are able to do so effectively and on the basis of a thorough mutual understanding of the science and social science on which their work is based. Failures of understanding, and in particular any sense of specialist mystique, are not helpful.

The review panel has been struck by the potential within wild fisheries management to extend some of the principles of “citizen science”, including the use of “crowd sourced” data sets, which are now being put to good effect in other areas of environmental management. The Scottish Government has played a lead role in this, and already has at its disposal tools that could be adapted for use in relation to wild fisheries.

Recommendation 41 – The National Unit and FMOs should promote the concept of citizen science as a key theme in developing a fisheries management system in Scotland that is founded at all levels on sound science. Standards and guidance issued by the National Unit should be presented in a manner that is accessible to a non-technical audience, and designed to encourage volunteer engagement in the scientific work of FMOs.

Section 9 – Regulation and Compliance

9.1 Introduction

Wild fisheries are a public resource, and in managing such an asset it is essential that there is in place an effective regulation and compliance framework in order to ensure the delivery of appropriate public interest outcomes. This includes regulation of privately owned fishing rights in order to ensure that they are exercised in a manner compatible with the public interest.

In broad terms the primary outcome requirements of effective regulation are that our wild fisheries are managed and utilised in a sustainable manner, and that access to fishing is available to all in return for an appropriate payment. For the most part the review has found that access to fishing is available to all and that charges are generally reasonable, although some localised exceptions have been noted. There is, however, some evidence of potentially unsustainable fishing in certain areas, including where the right to fish for some species is only protected under civil legislation.

Regulation is generally only as effective as the system that is in place to ensure compliance. A mechanism of local fisheries bailiffs has grown up over many decades in Scotland, and the review has received a number of submissions in relation to this. What is clear is that the current bailiff system delivers a vital service without which unsustainable fishing, especially for salmon and sea trout, would be more widespread. There may be some opportunities for further refining the system, and in particular a requirement in a few instances to reinforce its primary focus on upholding the public interest.

9.2 Seasons and Closed Days

A central element of any regulatory system must be a mechanism whereby fish populations can be protected from pressures at key points in their lifecycle. This is particularly important with regard to spawning, and in the case of migratory species when fish are passing through points on their route where they are rendered especially vulnerable. A system of closed days and seasons has therefore been developed in Scotland in order to achieve this.

The current system is focused on salmon and has developed over many years. It is in large measure a result of custom and practice. So for example fishing for salmon on a Sunday is forbidden, although there is no strong evidence to support the view that salmon benefit from a “day of rest” in this way. On the other hand the killing of salmon returning to Scottish rivers in the Spring is permitted, although there is growing evidence to suggest that this may be a time when there is a high risk of impact on conservation status.

The current system pays very little attention to the interests of non-salmonid species. Fishing for and the killing of several species is permitted on a year round basis, and there has been little scientific work undertaken to understand the effects (if any) that this may be having on fish populations.

Modern health and safety legislation postdates the system of closed days for net fisheries, and during poor weather conditions the requirement to remove gear ahead of closed days has the potential to conflict with health and safety obligations to employees.

Recommendation 42 – The system of closed days should be abolished, except with regard to the use of certain types of interceptor coastal and estuarine nets for salmon and sea trout where there is genuine scientific evidence to support the need for periodic closure. In such cases closed days/periods should be set by the National Unit on the basis of sound science, and along with implementation of licensed controls on the number of salmon killed. The system should be designed in a flexible manner so as to be compatible with health and safety legislation governing the operation of nets in adverse weather conditions.

Recommendation 43 – The system of closed seasons should be reviewed and brought under the control of the National Unit acting on the advice of local FMOs. It should be based on sound science with the aim of optimising sustainable socio-economic value to the district concerned. It should be extended to all species where scientific advice suggests that this should be the case, and in certain cases (for example salmon in the Spring months) it should be integrated with a ban on killing but permitting catch and release during certain periods.

9.3 Rights to Fish and Protection Orders

In most of Scotland the right to fish is protected by either the criminal or civil law depending on the species concerned and (in some cases) the location and ownership pattern. The review received a number of submissions arguing for greater use of the criminal law to protect these rights in relation to species other than salmon (already so protected), but also from other stakeholders arguing for less protection and the creation of public rights to fish in some locations alongside privately held rights. Although current arrangements are arguably confusing for some people, the review panel has concluded that the public interest case for either change is weak.

The arguments for greater use of the criminal law were largely based on the need to ensure sustainable management of all fisheries, and the suggestion that this is not always possible under civil law. While the review panel accepted this argument in part, it concluded that the existing Protection Order system, if reformed as below, is adequate to allow unsustainable fishing pressures to be addressed effectively.

The case for creating public rights to fish was based largely on a concern that in some parts of the country the owners of fishing rights restrict access to fishing in an unreasonable manner. The panel found limited evidence to support this assertion, and where it did the economic argument for retaining a degree of exclusivity was sometimes persuasive. More significantly the panel noted that public rights to fish, without some form of associated charging mechanism, would not secure an appropriate contribution to the management of those fisheries and could lead to unsustainable pressures on local fish populations.

A system of Protection Orders already exists in Scotland whereby the owners of fishing rights that would ordinarily only be protected by civil law may apply for the protection of criminal law in circumstances where they believe there to be unsustainable fishing pressures that cannot be managed effectively without this. The system is intended to secure appropriate levels of access to fishing while enabling the owners to manage those pressures in a sustainable manner.

The review received a number of submissions on this subject, for the most part from anglers who feel that the system as currently operated sometimes results in unreasonable restrictions on, and/or charges for, access to fishing. Other submissions were made arguing for a more flexible system whereby orders could be deployed more easily, both for the purpose of protecting stocks and to facilitate public access. The Land Reform Review Group also recommended that the system should be reviewed.

The review panel has considered the issues involved with care, and has concluded that the principles behind the Protection Order system are fundamentally sound. The panel recognises, however, that the system requires a thorough overhaul if it is to be fully effective in balancing its core tasks of preventing unsustainable fishing on the one hand and facilitating sustainable access to fishing on the other.

Recommendation 44 – The Protection Order system should be reviewed and reformed, with the right to approve Protection Orders being brought under the authority of Scottish Ministers through the National Unit. In particular the review should consider –

- Making it possible for an application to be made by a simple majority of owners of fishing rights in the area being applied for, even if not all owners are agreed.
- Enabling the local FMO to apply for an Order even if not supported by a majority of owners of fishing rights in the area being applied for.
- Ensuring that applications are assessed/approved only on the basis of reliable scientific evidence of unsustainable fishing pressures affecting one or more species in the area concerned.
- Ensuring that approvals incorporate robust conditions to ensure effective sustainable access for all to fishing in the area through an appropriately priced and widely available permit system.
- Enabling the operation of a Protection Order to be overseen on an ongoing basis by the local FMO, including handling of complaints relating to access, with an annual report to the National Unit.
- Requiring a formal review process by the National Unit every five years, with the potential to revise or remove the order as appropriate.
- Including the possibility that a Protection Order might cover lochs currently deemed “public waters” – Loch Lomond, Loch Ness, and Loch Oich – if necessary.

9.5 Bailiffing

The current bailiffing system operates in effect as a specialist law enforcement agency alongside the police. It involves the training and licensing (“warranting”) of individuals to undertake enforcement duties supported by defined legal powers. It is focused solely on wild fisheries, and for the most part is heavily dominated by issues relating to salmon and sea trout. Individual bailiffs may be employed locally by one of a number of possible employers, including private employers, and they may also operate on a voluntary basis.

For the most part submissions to the review about current arrangements were positive. In particular the strengths of a system based on local knowledge and flexibility were emphasised. Some unease was expressed about the exercise of significant powers given to individual bailiffs under warrant, and concerning the lack of democratic oversight of the warranting system (including the lack of a robust and transparent complaints system). The potential to integrate the bailiffing system more effectively with Police Scotland and other wildlife crime functions was noted, as was the need for greater national consistency, but for the most part there was little real evidence that the system needs more than modest reform.

Recommendation 45 – The warranting of bailiffs should be brought under democratic control through the National Unit, and subject to appropriate training, qualification, CPD and complaints procedure requirements. These should emphasise and ensure the all species public interest purpose of powers vested in individuals through this system (i.e. to facilitate sustainable fishing for all), but should enable individuals so warranted to be employed and managed as a bailiff (including on a voluntary basis) by any appropriate public, private or third sector employer.

9.6 Solway Legislation

The Solway district (the geographical boundary of which is defined by a bylaw of 1864 and marks it from the sea) is covered by two localised legislative quirks in relation to fisheries legislation. These have the effect of making fishing for all freshwater fish in the Solway (excluding the Annan district) without permission a criminal offence (unlike the rest of Scotland), and that certain types of netting are permitted within estuary limits in the Solway (again excluding the Annan district) which are otherwise illegal elsewhere in Scotland. While the latter may be justified by the particular tidal circumstances of the Solway estuary, there is no obvious modern day rationale for the former.

Recommendation 46 – Solway specific fisheries legislation should be reviewed with the intention of repealing any elements that are no longer appropriate.

9.7 Artificial Stocking

The review received a number of submissions in relation to the artificial stocking of water bodies with fish, most commonly young salmon. Issues most frequently referred to were value for money concerns on the basis that the impacts of these techniques on fish numbers are poorly understood, and that restocking via use of artificial hatcheries almost inevitably results in some reduction in the genetic diversity of the released stock. Other submissions, however, emphasised the potential value of this type of intervention, especially for put and take fisheries and when factors (such as pollution events) may have resulted in spawning failure and/or unusually high mortality among young wild stock.

A number of submissions suggested that stronger evidence based regulation of artificial stocking at a national level might be helpful. In particular the panel noted calls for greater national consistency of approach, including a requirement to ensure that any decision to restock is based on genuine need and sound science, taking full account of value for money considerations.

Recommendation 47 – All releases of fish into wild fisheries systems, whether hatched from local spawn sources or otherwise, should be subject to licensed consent from the National Unit, with permitted grounds being primarily that exceptional circumstances relating to population sustainability justify such an intervention. A charge should be made for such licences on a full cost recovery basis.

Section 10 – Opportunities for All

10.1 Introduction

Wild fisheries are a public resource of considerable actual and potential value. In seeking to maximise that value for Scotland as a whole, the review panel has given a great deal of thought to how best it might be both increased and diversified. Submissions to the review have suggested that significant elements of Scotland's non-salmon fisheries are currently underutilised, and that they are failing to fulfil their full economic and social potential. In particular the panel noted widespread comment to the effect that participation in angling is lower than many people think it could and should be, and that as a result Scotland is failing to realise the full social and economic potential that our wild fisheries have to offer.

The causes of this have been linked by some to the dominant place given to owners of salmon fishing rights in the current management system, while others have emphasised a fragmentation of leadership among stakeholder organisations. Whatever the reasons almost all are agreed that greater participation in non-salmon angling, across the Scottish population and among visitors, would not only be in the interest of those individuals but would also serve to support better management of our wild fisheries as a whole.

10.2 Leadership

This report has noted the importance of decentralisation and local empowerment within the new management system, but it has also underlined the significance of national leadership and coordination within this context. The same logic is equally applicable to the many excellent local clubs, associations and other assorted membership bodies that are involved in recreational fishing across Scotland. The review panel has been struck by the fragmentation of leadership in the sector, and has noted submissions suggesting that this could be usefully addressed through the creation of a single lead umbrella body.

It is in the nature of the diversity of interests involved in the sector that it is also characterised by a diversity of membership organisations. That is in many ways a strength, but it is in no sense incompatible with the idea of a lead body within a wider framework, most probably achieved through the establishment of some sort of federated structure built around a common ambition. Given the widespread agreement that the sector is in need of coordinated action to increase participation across all age groups, a shared aspiration on which to build is not hard to find.

Recommendation 48 – Strong encouragement should be given by government to all the major membership organisations in the sector to come together, possibly under the auspices of an independent chair appointed for the purpose, in order to develop a new and well-resourced Angling for All Programme for Scotland. Integral to this should be the introduction of a national rod licence to fund the initiative on a long term basis.

Recommendation 49 – Related to, but separate from, the above recommendation, government should give strong encouragement to all the main stakeholder organisations with a view to gaining agreement on a single formal lead body (either an existing one or an umbrella body created for that purpose) that is able to participate in development of a national wild fisheries strategy and work constructively on behalf of all parts of the sector with SportScotland, National Lottery bodies and other relevant national institutions.

10.3 Access for All

No industry or sport can hope to have a sustainable future if it is not able to attract new participants and customers to replace those leaving due to old age or for other reasons. Recreational fishing is no exception, and a number of the submissions to the review highlighted the relatively old demographic profile of the sector. There are real concerns about the declining number of people who participate in the sport and contribute financially to its management.

The review panel has considered the causes that might lie behind this, and in particular has sought to identify whether there may be barriers to entry that are discouraging potential new participants. While for the most part the panel found that affordable angling opportunities are available across almost the whole of Scotland (including many excellent put and take facilities), the panel has noted a significant difficulty in accessing information about where, when and how people can go fishing that almost certainly creates *de facto* barriers through a perceived lack of accessibility.

Recommendation 50 – Within the context of a national Angling for All Programme, a high priority should be attached to providing easily accessible web based information sources about how, where and when it is possible to fish in Scotland.

10.4 Young People

For the most part angling in Scotland is a sport dominated by older age groups. This need not in itself be a weakness for the sector so long as new recruits from among older age groups continue to engage, but it does represent a potential missed opportunity. The panel noted in particular the significance of put and take facilities as an entry point to the sport for young people, and the need to integrate this sector more closely with wild fisheries management.

Many submissions to the review went out of their way to emphasise the social value of angling to young people, and in particular the self-confidence and self-reliance that some people derive from being involved. The potential contribution to recreation, health and to combating social disadvantage (angling can be a relatively low cost sport) were also underlined, and this aspect of its public value is almost certainly underutilised. A number of excellent projects already exist with the aim of addressing this, but the evidence presented to the review suggests that they would greatly benefit from a more robust organisational framework, wider geographical coverage and better financial resourcing.

Recommendation 51 – A new Angling for All Programme for Scotland should, from its inception, closely involve Local Authorities and other relevant public agencies in order to ensure a strong emphasis on young people and priority social policy outcomes.

10.5 Tourism

The tourism industry plays a major role in the Scottish economy, and specialist angling tourism (mainly related to salmon) is a valuable economic contributor in certain parts of the country. This income underpins much of the resource made available for wild fisheries management through the salmon levy, and so is central to sustaining the management system under a future wild fisheries levy system.

The review panel noted the high level of reliance in some rural areas that is currently placed on salmon angling, and related this to concerns in some quarters about the number of salmon returning to Scottish rivers. It is important that Scotland diversifies its angling tourism product in order to maintain resilience and increase income, while at the same time doing all that it can to contribute effectively to international salmon conservation efforts. This may imply a focus on other specialist niche angling markets such as pike and brown trout, including a move to integrate more casual angling into the wider activity tourism product that is now central to VisitScotland's marketing strategy.

Salmon netting is not normally regarded within a tourism context, but the review was impressed by submissions emphasising the opportunity to redefine coastal and estuarine salmon netting in some circumstances as a cultural rather than directly economic activity. Ancient netting practices on the Solway already attract significant visitor interest in this way. Integrating salmon netting into a wider tourism product, primarily where the netting catch is on a modest and demonstrably sustainable scale, may therefore offer an opportunity to increase its wider economic value to some parts of Scotland.

Recommendation 52 – VisitScotland should be invited to participate in the establishment and ongoing management of an Angling for All Programme for Scotland, with a particular emphasis on exploring ways in which casual angling and low impact salmon netting activities might be integrated into the wider activity holiday product.

10.6 Employability and Skills

The public value of fisheries management is not only a matter of fish and fishing, but also of the management system itself. In some rural areas fisheries management is a significant local employer offering high quality year round employment. The review panel has also been struck by the relatively young demographic profile of those working in the sector, and the opportunities presented by the sector for voluntary participation in fisheries management by individuals of all ages. The social and economic significance of this, especially in relatively remote communities, should not be underestimated.

Recommendation 53 – In developing fisheries management plans for their areas, local FMOs should be encouraged to include specific reference to their intended contribution to employability priorities for young people (work experience, apprenticeships), and to provision of volunteering opportunities for all ages.

Appendix A – Terms of Reference

Remit

- To consider from first principles the challenges and opportunities facing Scotland's wild fisheries (salmon and freshwater), the management system and funding required to meet those challenges and deliver those opportunities.
- To consider the balance of responsibility and accountability as regards the international commitments, obligations and domestic policy objectives associated with wild fisheries and their environment.
- To set out how Scotland's natural fish and fisheries resources should be sustainably managed, conserved and developed in the context of Scotland's international commitments, obligations and domestic policy objectives in the best national interest and in a way that is underpinned by evidence.
- To identify and map the essential components of a modern wild fisheries management system; one responsive to the changing and multi-factoral impacts and pressures on fish and fisheries.
- To consider the information required to make and implement evidence-based management decisions.
- To consider the skill set required to deliver any new management system.

Scope

Specifically, the review and subsequent report will consider how:

- A strategic and joined up approach can be created in order to preserve, protect and develop Scotland's fisheries in a sustainable manner in the best interest of Scotland as a whole;
- Relevant data and research should be collected and shared to inform management decisions and who should have the lead responsibility for data collection, storage and research commissioning;
- All fisheries species focus and management can be achieved optimally;
- Fisheries management should be funded in a way that is both transparent and accountable;
- To manage non-compliance with wild fisheries legislation in a proportionate and consistent manner;
- The sustainable management of salmon netting activity could be taken forward in the future;
- Some countries supporting a similar range of species to Scotland manage their wild fisheries and what lessons can Scotland learn from international perspectives;
- Evidenced based management decisions should be implemented to ensure compliance with national and international obligations and legislative accountability;
- Appropriate skill sets required for fisheries management are developed and provide opportunities for continuous professional development;
- To create a better environment and increase the opportunity for all but especially young people to stimulate their interest in fishing and fisheries management;
- Appropriate interventions and actions, including broader policy, can overcome barriers, weaknesses or omissions in fostering productive working relationships between and across sectors.

The review may further develop any objectives to enable its aims to be delivered and to advise Scottish Ministers on any aspects related to management of wild fisheries that merits their attention.

Structure

The review will be conducted independently of Scottish Government by a Panel comprising Andrew Thin (Chair), Jane Hope and Michelle Francis. It will be supported by a secretariat from the Scottish Government, and a technical advisory group drawn from Marine Scotland Science, Scottish Natural Heritage, Scottish Environment Protection Agency and the Institute of Fisheries Management. It is for the Chair and Panel to determine how the review is conducted, but it will be structured around delivery of the remit set out above.

Timing & Timescale

The Review will begin in March 2014, and it is envisaged that it will take six months to complete with a final report delivered to the Minister for Environment and Climate Change thereafter. The Minister will consider any recommendations made and consult on any subsequent proposals to implement a new management regime.