



The Scottish Parliament  
Pàrlamaid na h-Alba

## **RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE**

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Dear Aileen

### **Conservation of Salmon (Annual Close Time and Catch and Release) (Scotland) Regulations 2014 (SSI 2014/327)**

The Rural Affairs, Climate Change and Environment Committee considered the above named instrument at its meeting on 17 December 2014 and agreed to write to you to draw the Scottish Government's attention to the discussion the Committee had on the matter.

Please therefore find the relevant extract of the Official Report in the Annexe to this letter.

Yours sincerely

Rob Gibson MSP  
Convener

**EXTRACT FROM THE RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE, 17 DECEMBER 2014**

**Conservation of Salmon (Annual Close Time and Catch and Release) (Scotland) Regulations 2014 (SSI 2014/327)**

**The Convener:** Under item 2, on subordinate legislation, the committee must consider a negative Scottish statutory instrument. Members should note that no motion to annul has been received in relation to the instrument. The committee has received several written submissions, which are included in the annex to the paper. I refer members to the paper and submissions, and I ask for comments. I welcome Nigel Don to the committee for this item, and I would appreciate hearing from him first, as he is one of the constituency members involved.

**Nigel Don (Angus North and Mearns) (SNP):** I am grateful for the opportunity to comment on the regulations. The only unfamiliar thing about being back at the committee is that I am on the wrong side of the table—but it is good to see you all again. The instrument relates to salmon fishing by all methods. As members will be well aware, there are many anglers in my constituency, and there is also a significant salmon netting operation. Members will also have seen that there has been a great deal of correspondence about the instrument. I want to pick out what I think is the most important issue addressed in that correspondence, and I think that it can be reduced to a small number of words. In so far as close time affects those who fish, it seems to me that there is a slight difference between the netsmen and those who have an angling interest. During close time, there is an opportunity for anglers to carry on fishing and to put the fish back into the water, so there is some economic activity and benefit within the angling community. On the other hand, if netsmen are not allowed to take a fish out of the water, they can do precisely nothing. There is an economic opportunity for those with an angling interest, but there is zero economic opportunity for those with a netting interest; all that they have is their costs. There is also a proportionality issue. If anglers can take fish and then put them back, there is a recognition that some of those fish will die because they have been injured or simply exhausted in the process. I do not know what the mortality rate is. I have seen a figure of 18 per cent, but I have no idea how robust that number is. Nonetheless, some fish will be lost. There is some inequity in that the netsmen, who admittedly kill every fish they take, can take precisely none, whereas the angling community can necessarily kill some. There is an equity issue in that. All that I want to put to the committee is that, in its response to the Government, at some point I would like you to make those points and to make the consequent point that for the netsmen—wherever they may be, and they are not all in my constituency—there is no income whatsoever to be derived when they cannot catch, although there are fixed costs, as there are in every business. Indeed, in most businesses, all costs are fixed for a short period of time, and that is what we are talking about. That takes us straight to the issue of compensation. I think that there is a recognition that no compensation need legally be paid to the businessmen in my community. I am not sure whether that is the position, but it seems to be the implication. On behalf of those businesses, I simply want to ask the committee to bring to the Government's attention the fact that some compensation might well be entirely appropriate. The quantum of that is

not easy to come by, but it looks as if a figure of about £10,000 a month is consistent with what has happened before in compensation from the Esk District Salmon Fishery Board to the netsmen. That appears to be the right kind of number, but I am sure that the accountants can talk about that. That is really what I wanted to bring to the committee. Please could you take to the Government the points about equity and the appropriateness of compensation?

**The Convener:** Thank you for that.

**Graeme Dey (Angus South) (SNP):** In principle, I have sympathy with any business whose ability to generate income has been impacted by legislation. However, the SSI is being introduced for sound reasons. There is an argument that says not only that the netting interests have brought this on themselves but that it may well provide a future for their businesses that might not otherwise be there. Some boards have been paying netsmen not to work during the spring run. In the case of the South Esk, for example, I think that the sum that was involved was £18,000 last year and the year before. Yet it is the Salmon Net Fishing Association of Scotland netsmen who walked away from the voluntary arrangement, presumably because it was more lucrative for them to be active during that time, however that activity might impact on a diminishing asset. Submissions made to the committee include claims about mortality rates from catch and release—Nigel Don referred to them. If we take the South Esk as an example, in 2013 the figures from the register show that 7,159 fish were killed by netsmen, while 522 were caught by rod, of which 77 per cent were released. Even if every released fish then died, we are still talking about a fraction of the netting take. The need for the measure that we are considering is supported by the netting returns. Again, to take the South Esk example, after 7,159 fish were taken in the nets in 2013, just 5,210 were taken this year. If we accept those figures as accurate, it suggests to me that the fish are growing scarcer and scarcer. I understand that, in response to what some might see as a growing crisis, the Esk district board, which covers a number of rivers in Nigel Don's seat, and one in mine, has written to anglers asking them not to kill fish right up to 15 June. The board is responding to the issue. On the one hand, we have the rod guys, who catch and release and—we hope—adhere to such requests to conserve fish; on the other hand, we have the netsmen who are seemingly intent on stepping up their efforts to catch compared with previous years. I accept that there is an argument for some degree of compensation, but there is a far stronger argument for passing the SSI in the long-term interests of anglers and netsmen.

**The Convener:** Do any other members have comments?

**Alex Fergusson (Galloway and West Dumfries) (Con):** I have two words to add to Graeme Dey's last sentence, which are "and salmon". I say that because at the root of the entire issue is the conservation of a species. I understand where Nigel Don is coming from to a degree, and if I were a netsman I would probably feel quite hard done by—although I also accept Graeme Dey's point that, in a way, the netsmen have initiated the action. That said, we need to focus on the fact that the measure is based on the conservation of salmon, rather on favouring one sector or one stakeholder over another.

**Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** I have listened with interest to what Nigel Don, Graeme Dey and Alex Fergusson have said. As Nigel says, equity has to come into any consideration of such a subject. Netting for salmon has been going on for centuries along the Scottish coast. If we are going to deprive people of their livelihood, or part of their livelihood, it is sensible and decent to consider some kind of compensation or buy-out—otherwise, it would be unfair and wrong. I am pretty sure that the Government will listen to that argument. I certainly hope so. Graeme Dey mentioned a figure of 7,000 fish. If those 7,000 fish are not caught, they all swim up the river. Who benefits from that? It is the people further up the river—riparian owners and others. There is a massive benefit to folk, and that needs to be taken into consideration in the longer term, in the fisheries review and so on. We need to consider issues around wider access to fishing—only 500 fish are being caught with the rod and line but there would be 7,000 going upriver. If we are going to take away somebody's livelihood and allow the fish to go up the river, meaning that someone else benefits, let us get some public benefit out of it as well. These are general comments from me, and I am not putting forward details on how the issues should be dealt with. I think that we should be looking at the issues in terms of broad principles.

**Claudia Beamish (South Scotland) (Lab):** I want to highlight a figure that was given to me by the Association of Salmon Fisheries Boards. Provisional data for 2013 indicates that the overall voluntary catch-and-release rate for salmon was 92 per cent for spring salmon Scotland-wide. I want to put that figure into the public domain. I think that there is an equity issue, and there may well be arguments for compensation. We should be considering those aspects along with all the other complex issues that are going to come before us in the review. In the meantime, I support the measure going through.

**The Convener:** I have as a constituent James Mackay of Armadale Salmon Fishing, who is also chair of the Salmon Net Fishing Association of Scotland. He has given us useful evidence in the past, germane to our discussions of the Aquaculture and Fisheries (Scotland) Bill, of the co-operation that the netsmen of the north coast have given to scientific understanding of the movement of salmon. He suggested that the rights of netsmen, which are heritable, have to be treated fairly. To echo what Dave Thompson has said, I believe that the questions about compensation must be taken on board by the Government if any interference with those rights occurs. I point out that the licensing system for fishing on rivers—angling—is one of the main proposals in the wild fisheries review. It will take a stricter view of the way in which angling is conducted, organised and maintained. We have to make sure that the Government takes on board issues of reciprocity and the need for fair treatment of people. There is talk of a meeting between the Government and the Salmon Net Fishing Association of Scotland early in the new year, which I hope will allow a clearer view of the situation for the salmon netters to be achieved. We know also that the Government is talking of consulting on measures that would license the killing of wild salmon and an associated carcass tagging regime. The instrument would deal with the immediate threat to the spring run of salmon, but following on from that it would allow for a fairer understanding of how netsmen should be treated and how rivers should be organised. From my point of view, I want to make sure that the netsmen do not lose out at the expense of any other fishery.

**Michael Russell (Argyll and Bute) (SNP):** I entirely agree with you, convener, and in particular with Dave Thompson. Principles have to be applied here. One is the right to earn a livelihood as opposed to undertaking leisure activities, which I think is fairly fundamental and is an environmental issue that is under consideration worldwide in relation to what in other places are called the rights of native communities. If it results from an action by the state for conservation means, the depriving of livelihood should lead to compensation—there is no doubt about that—but that depends on the level of loss incurred. The total loss of livelihood would obviously require compensation; for a smaller loss of livelihood there could at least be questions about it. There must also be clarity about what the objectives are. If the objective is to sustain a species that is in grave danger, and if that objective is not being adequately met, further actions will be required. It is sometimes better to go further than might be necessary first than to do things bit by bit. If I were a salmon netsman, I would be very concerned that year in, year out there are new threats to my livelihood and that year on year salmon fishing stations are closing down. Therefore, there needs to be a clarity about what the long-term future of earning a living as a salmon netsman actually is. We owe it to the netsmen to look that squarely in the face and for a decision to be reached.

**The Convener:** Members have spoken. Obviously, we are the Rural Affairs, Climate Change and Environment Committee, and climate change and the environment are very much at the heart of the threat to the particular species in question, which we must take very seriously. There is no motion to annul, but the ministers will have a very clear sight of the committee's views from the Official Report of the debate. Do members agree to make no recommendations in relation to the regulations?

**Alex Fergusson:** Are we able to ensure that the ministers take a look at the Official Report of the discussion?

**The Convener:** We can write to them and remind them that the Official Report contains a very erudite discussion of the matter.

**Alex Fergusson:** We can gently remind them.

**The Convener:** Indeed. I assume that ministers are quite keen to do that, given their wish to have an early meeting with the Salmon Net Fishing Association of Scotland early in the new year. We can write to them to underline the discussion. Do members agree to make no further comments on the regulations?

**Members indicated agreement.**