

Supplementary Position Paper from the Scottish Coarse Anglers Association

WILD FISHERIES REVIEW RECOMMENDATIONS – DRAFT SFCA POLICY LINE

NB - The fundamental issue of what constitutes a “wild fishery” remains undefined. It’s unclear, for instance, whether this includes, wild populations of one species resident in waters stocked as commercial fisheries for another species, or populations of non-migratory species in tidal waters. These uncertainties should be resolved.

Chapter 3 Fundamentals

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

- Support in principle, subject to clarification of the balance of power between local and national bodies.

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.

- Support in principle (though we would have preferred a new independent NDPB).

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.

- Fully support, subject to requirement that FMOs in areas/catchments which contain any coarse fish populations must include representation from coarse angling/coarse fishery interests.

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.

- Fully support, subject to greater clarity as to what is meant by an “all species approach” - it is not sufficient that the FMOs should be responsible for the management of all species; they must be obliged to manage for the benefit of all species.

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.

- Fully support.

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.

- Fully support, subject to greater clarity as to how “balance” is to be judged.

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.

- Fully support.

Chapter 4 National Leadership

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.*

- Fully support proposed core functions, but believe that other functions should be added:
 - Promote consistency and the spread of best practice between FMOs
 - Reconcile conflicts between adjacent FMOs
 - Investigate and resolve queries/complaints by interested parties against the actions of FMOs

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.

- Support in principle, but believe the proposed national unit should also be advised by a standing committee of interested parties from the angling, fishery ownership and fisheries management community.

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.

- Fully support (identifying such a figure will be a challenge, however).

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.

- Fully support, subject to a requirement for full consultation with interested parties from the angling, fishery ownership and fisheries management community in the creation and review of the national strategy.

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.

- Fully support, subject to a requirement for full consultation with interested parties from the angling, fishery ownership and fisheries management community.

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.

- Fully support (see comment on Recommendation 8).

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.

- Fully support.

Chapter 5 Local Delivery

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.*

- Fully support proposed core functions, but believe that other functions should be added:
 - Promote consistency and the spread of best practice between fisheries
 - Reconcile conflicts between adjacent fisheries
 - Investigate and resolve queries/complaints by interested parties against the actions of individual fisheries

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.

- Fully support, subject to requirement that FMOs in areas/catchments which contain any coarse fish populations must include representation from coarse angling/coarse fishery interests.

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.

- Fully support, subject to comments at Recommendations 3 & 16 regarding composition of FMOs.

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.

- Fully support, subject to requirement that framework agreements and Fisheries Management Plans must cover all species

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.

- Fully support, subject to requirement that annual assessments of local fisheries stocks must cover all species.

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.

- Fully support

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.

- Fully support

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.

- Support with reservations. Some form of liaison mechanism between FMOs and the National unit is clearly needed, but see comment re Recommendation 9 – the national unit should also be advised by a standing committee of interested parties from the angling, fishery ownership and fisheries

management community. It is not clear whether these should be the same body, and if so how it might be composed/constituted.

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.

- Support with reservations. Existing DSFB / Trust structure has evolved piecemeal in a different environment and involves units of widely differing sizes. This may not be best suited to form the basis of an optimum FMO framework in all parts of the country.

Chapter 6 Resourcing

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).

- Insofar as this recommendation concerns reform of the funding mechanism for migratory fisheries, SFCA has no locus to comment.
- We wholly oppose the proposal to introduce a levy system in respect of other wild freshwater fisheries:
 - Installing and maintaining such a system would carry a huge administrative burden in terms of registering and evaluating fisheries, collecting the revenue, and enforcement on defaulters;
 - Assuming commercial fisheries were excluded from the process, the revenue potential is tiny and may not even meet the cost of collection;
 - It would be likely to lead to loss of access to many fisheries where angling is presently allowed free or at modest cost, and in others to big rises in permit charges to cover the extra costs to proprietors.
- SFCA fully accepts that additional revenue is required to fund proper management of wild fisheries, but considers that the only fair, effective and cost-effective means to raise that is through a rod licence system.

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).

- Insofar as this recommendation concerns the funding mechanism for migratory fisheries, SFCA has no locus to comment.
- As regards the funding of other freshwater fisheries management, see comments on Recommendation 24.

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.

- Insofar as this recommendation concerns the funding mechanism for migratory fisheries, SFCA has no locus to comment.
- As regards the funding of other freshwater fisheries management, see comments on Recommendation 24.

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.

- Insofar as this recommendation concerns the funding mechanism for migratory fisheries, SFCA has no locus to comment.
- As regards the funding of other freshwater fisheries management, see comments on Recommendation 24.

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.

- Fully support the concept of an Angling for All Programme for the long term, but with reservations over the detail and timetable of the proposal:-
 - The development of any new Programme must recognise and build on the very substantial work that has already been done by the Angling Development Board for Scotland;
 - Any new funding for the Programme derived from rod licences etc must not result in a corresponding reduction in the funding currently invested in angling development by Marine Scotland and Sportscotland;

- The Programme should only be launched once adequate statutory protection, expanded access arrangements, appropriate fishery rules, and effective bailiffing have been put in place to ensure that any consequential increase in angling pressure is sustainable.
- Fully support the introduction of a rod licence system, and agree that a substantial part of the revenue raised from this should be deployed to the proposed Angling for All Programme. However additional revenue is also required to fund other aspects of the management of wild fisheries (eg bailiffing, scientific research) and we consider that a rod licence offers the only fair, effective and cost-effective means to raise that, so we do not believe that all the revenue from a rod licence scheme should be dedicated to the proposed 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.

- Fully support the introduction of a rod licence system (subject to comments on Recommendation 28), but do not accept that its introduction should be deferred until the other elements of the proposed Angling for All Programme are in place – the revenue is needed from the outset.

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.

- No locus to comment on this recommendation.

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.

- Fully support

Chapter 7 Sustainable Harvesting

NB – SFCA unreservedly opposes any form of “harvesting” of wild coarse fish in Scotland. These fish populations are a self-sustaining sporting resource and require protection against any form of depletion.

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.

- Fully support, but stress that this proposal does not go far enough. Further legislative measures are required to protect wild coarse fish populations:-
 - The provisions in S2(3) & (4) of the 2003 Act allowing proprietors to take fish (other than migratory salmonids) by net or trap must be removed, and fishing by any method other than rod & line only permitted for scientific purposes under strict licence;
 - The provisions in S8 of the 2003 Act regarding the taking of dead salmon or trout should be extended to cover fish of all species;
 - The provisions in S9 of the 2003 Act regarding illegal possession of salmon or trout, or of any instrument etc which could be used in the taking of salmon or trout, should be extended to cover fish of all species;
 - The current ban on the sale of rod-caught salmon under the Conservation of Salmon (Prohibition of Sale) (Scotland) Regulations 2002 should be extended to cover fish of all species;
 - See comments on Recommendation 44 below regarding our proposals for changes to the law on fishing for freshwater species without legal right or written permission

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 below) 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.

- Fully support, but stress that this proposal does not go far enough. There is an urgent need to protect wild coarse fish populations – especially pike – in the light of historic culling, the recent substantial rise in indiscriminate pot hunting, and other threats.
- At the very least there should be a national ban on the killing of wild coarse fish (except in the course of bona fide scientific surveys) unless and until appropriate research into the status and dynamics of populations enables accurate estimates to be made of the sustainability of exploitation in individual waters.

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.

- No locus to comment on this recommendation.

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.

- No locus to comment on this recommendation.

Chapter 8 Sound Science

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.

- Fully support (see comments on Recommendation 8)

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.*

- Support in principle. However "*Basic mapping of Scotland's wider all species wild fisheries resource*" was done by the Freshwater Fisheries Laboratory (now Marine Scotland Science) around 10 years ago and repeating that process does not need to be a priority. On the other hand there is an urgent need to investigate the status and dynamics of wild coarse fish populations – especially pike – to assess among other things whether any level of exploitation or additional fishing pressure might be sustainable in the light of historic culling, the recent substantial rise in indiscriminate pot hunting, and other threats.

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.*

- Fully support.

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.

- Support in principle, but with reservations in practice. One might expect that such systems will already exist for officials within the national unit, but FMOs will be comparatively small organisations with few paid employees and management structures that are “flat” and “lean”:
 - Implementing anything beyond a comparatively basic appraisal system can absorb a great deal of staff & management time and be costly to maintain;
 - The evidence for the value of 360 degree appraisal systems is mixed - at best these are particularly resource-intensive and require high levels of management skill to apply effectively;
 - Many of those who deliver the work of FMOs are likely to be volunteers. Appraisal for volunteers requires a somewhat different approach to that for contracted employees.

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.

- Fully support.

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.

- Fully support.

Chapter 9 Regulation and Compliance

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.

- No locus to comment on this recommendation.

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.

- Insofar as this recommendation refers to the current arrangements whereby individual DSFBs set closed seasons for migratory salmonids in their own Districts, SFCA has no locus to comment.
- Insofar as this recommendation refers to the current closed season arrangements for brown trout, SFCA has no locus to comment.
- As regards other species, we note that this power already exists in S51A and/or S17B of the 2003 Act (as amended by the 2007 Act) and would question why additional legislation might be required.
- SFCA opposes the establishment of closed seasons for coarse fish in Scotland.

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.*

- We wholly endorse the principle that responsible access for angling for all freshwater species should be readily available at reasonable cost to the widest extent compatible with sustainability. However the present system of Protection Orders has consistently failed to deliver that objective, and even with the modifications proposed we do not consider that it offers the optimum way to achieve this, or indeed that it can do so at all.
- There is an urgent need for new arrangements for the regulation of access and the control of unauthorised and/or irresponsible fishing. As well as embracing the principle mentioned above, those arrangements should be:
 - Universal, both across locations and between species;
 - Readily understood;
 - straightforward to apply.
- The present disparate mix of civil and criminal offences (eg in S11, 12 & 26 of the 2003 Act) for fishing for non-migratory species without legal right or written consent is complicated and not widely understood, which often acts as a barrier to enforcement. We propose that this should be replaced by the simple expedient of extending the provisions in S6 of the 2003 Act to cover fishing for any species in freshwater without legal right or written consent.
- Closely allied to the proposal above, we propose that all riparian proprietors should be placed under an obligation to make responsible access for angling for all freshwater species readily available at reasonable cost to the widest extent compatible with sustainability of the fish populations concerned.
 - Access to fish for migratory salmonids should not be included in the obligation described above, but the proprietors of migratory fishing rights should be required to do nothing to deter or prevent access for fishing for other freshwater species.
 - Failure to comply should not of itself be an offence, but should serve to debar the riparian proprietor(s) in question from accessing funds or other resources from the FMO or public sources;
- In the context of this recommendation, and elsewhere, the term “access” must be taken to include the freedom to use all legitimate angling methods appropriate to the species being pursued.

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.

- Support in principle, but there is a need to consider in more detail the status and training/warranting of angling club officials etc who may be involved in “quasi-bailiffing” activities to support fisheries protection.

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

- Fully support - comments on Recommendation 44 refer.

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.

- SFCA has no locus to comment on this recommendation, which we interpret purely as removing the authority of DSFBs to grant consent for the release of salmon or the spawn of salmon under S33A(4) of the 2003 Act (as amended by the 2007 Act).

Chapter 10 Opportunities for All

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.

- Fully support for the long term, but only once adequate statutory protection, fishery rules, and effective bailiffing have been put in place to ensure that any consequential increase in angling pressure is sustainable.
- The development of any new Angling for All Programme must respect and build on the very substantial work that has already been done by the Angling Development Board for Scotland.
- Our comments on Recommendation 28 regarding funding refer.

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.

- Support in principle – this is essentially the kind of body envisaged in our comments on Recommendation 9, performing functions including those described in our comments on Recommendations 11 & 12.

- The “lead body” in question must be a new group which does not compromise the policy independence of the existing Scottish Governing Bodies for the different branches of angling.
- There is good precedent for this form of collaborative activity, eg in the work of the Freshwater Fisheries Forum Steering Group in 2004-08 and more recently in the Angling Development Board for Scotland.
- The most effective model for such collaborations may actually involve a small number of linked groups focused individually on specific topics.

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.

- Fully support for the long term, but only once adequate statutory protection, expanded access arrangements, appropriate fishery rules, and effective bailiffing have been put in place to ensure that any consequential increase in angling pressure is sustainable.

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.

- Fully support, subject to comments on Recommendations 48, 50 & 52.

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.

- SFCA has no locus to comment on the aspect of this recommendation which refers to “low impact salmon netting activities”.
- Support remainder of this recommendation in principle for the long term, but only once adequate statutory protection, expanded access arrangements, appropriate fishery rules, and effective bailiffing have been put in place to ensure that any consequential increase in angling pressure is sustainable.

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.

- Fully support.