



The Scottish Parliament
Pàrlamaid na h-Alba

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

AGENDA

9th Meeting, 2015 (Session 4)

Wednesday 4 March 2015

The Committee will meet at 9.30 am in the Mary Fairfax Somerville Room (CR2).

1. **Subordinate legislation:** The Committee will consider the following negative instruments—

Little Loch Broom Scallops Several Fishery Order 2015 (SSI 2015/28);
Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery Order 2015 (SSI 2015/30);
Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015 (SSI 2015/58).

2. **The Scottish Government's Wild Fisheries Review:** The Committee will take evidence from—

Aileen McLeod, Minister for Environment, Climate Change and Land Reform, Willie Cowan, Head of Performance and Aquaculture, and Carole Barker-Munro, Team Leader – Wild Fisheries Review, Scottish Government.

3. **Community Empowerment (Scotland) Bill:** The Committee will consider the Bill at Stage 2 (Day 1).

Lynn Tullis
Clerk to the Rural Affairs, Climate Change and Environment Committee
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Edinburgh
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The papers for this meeting are as follows—

Agenda item 1

SSI cover note

RACCE/S4/15/9/1

Agenda item 2

Wild fisheries review cover note

RACCE/S4/15/9/2

PRIVATE PAPER

RACCE/S4/15/9/3
(P)

SSI cover note for: Little Loch Broom Scallops Several Fishery Order 2015 (SSI 2015/28); Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery Order 2015 (SSI 2015/30); and Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015 (SSI 2015/58)

Procedure for Negative Instruments

1. Negative instruments are instruments that are “subject to annulment” by resolution of the Parliament for a period of 40 days after they are laid. All negative instruments are considered by the Delegated Powers and Law Reform Committee (on various technical grounds) and by the relevant lead committee (on policy grounds). Under Rule 10.4, any member (whether or not a member of the lead committee) may, within the 40-day period, lodge a motion for consideration by the lead committee recommending annulment of the instrument. If the motion is agreed to, the Parliamentary Bureau must then lodge a motion to annul the instrument for consideration by the Parliament.

2. If that is also agreed to, Scottish Ministers must revoke the instrument. Each negative instrument appears on a committee agenda at the first opportunity after the Delegated Powers and Law Reform Committee has reported on it. This means that, if questions are asked or concerns raised, consideration of the instrument can usually be continued to a later meeting to allow correspondence to be entered into or a Minister or officials invited to give evidence. In other cases, the Committee may be content simply to note the instrument and agree to make no recommendation on it.

Recommendation

3. The Committee is invited to consider any issues which it wishes to raise on these instruments.

SSI 2015/28

Title of Instrument:	Little Loch Broom Scallops Several Fishery Order 2015 (SSI 2015/28)
Type of Instrument:	Negative
Laid Date:	29 January 2015
Circulated to Members:	27 February 2015
Meeting Date:	4 March 2015
Minister to attend meeting:	No
Motion for annulment lodged:	No
Drawn to the Parliament’s attention by the Delegated Powers and Law Reform Committee?	No
Reporting deadline:	16 March 2015

Delegated Powers and Law Reform Committee

4. At its meeting on 17 February 2015, the Committee considered the following instrument and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

5. A copy of the Explanatory Notes and the Policy Notes are included with the papers.

Purpose

This Order confers on Scot-Hatch Limited (“the applicant”) for a period of 10 years the right of several fishery for scallops in part of Little Loch Broom (article 3). The part of Little Loch Broom to which the Order applies is described in the Schedule to the Order. The location of the area to which the Order applies is also shown on an indicative map, one copy of which is held in the principal office of Marine Scotland, Victoria Quay, Leith, Edinburgh EH6 6QQ and another of which is held by the applicant at No. 2, Isle-Ewe, Aultbea, Achnasheen IV22 2JW. A representation of the indicative map is appended to this note for illustrative purposes.

EXPLANATORY NOTE

As per purpose above and including:

By virtue of section 2 of the Sea Fisheries (Shellfish) Act 1967, article 3 of this Order confers on the applicant the exclusive right to deposit, propagate, fish for and take scallops within the area, subject to certain restrictions.

Article 4 of the Order requires the harvesting of scallops under the right of several fishery to be carried out manually by divers and restricts the deposit of juvenile scallops taken from outside the fishery within the boundaries of the fishery.

Article 5 of the Order specifies creels as implements of fishing the use of which is permitted within the fishery.

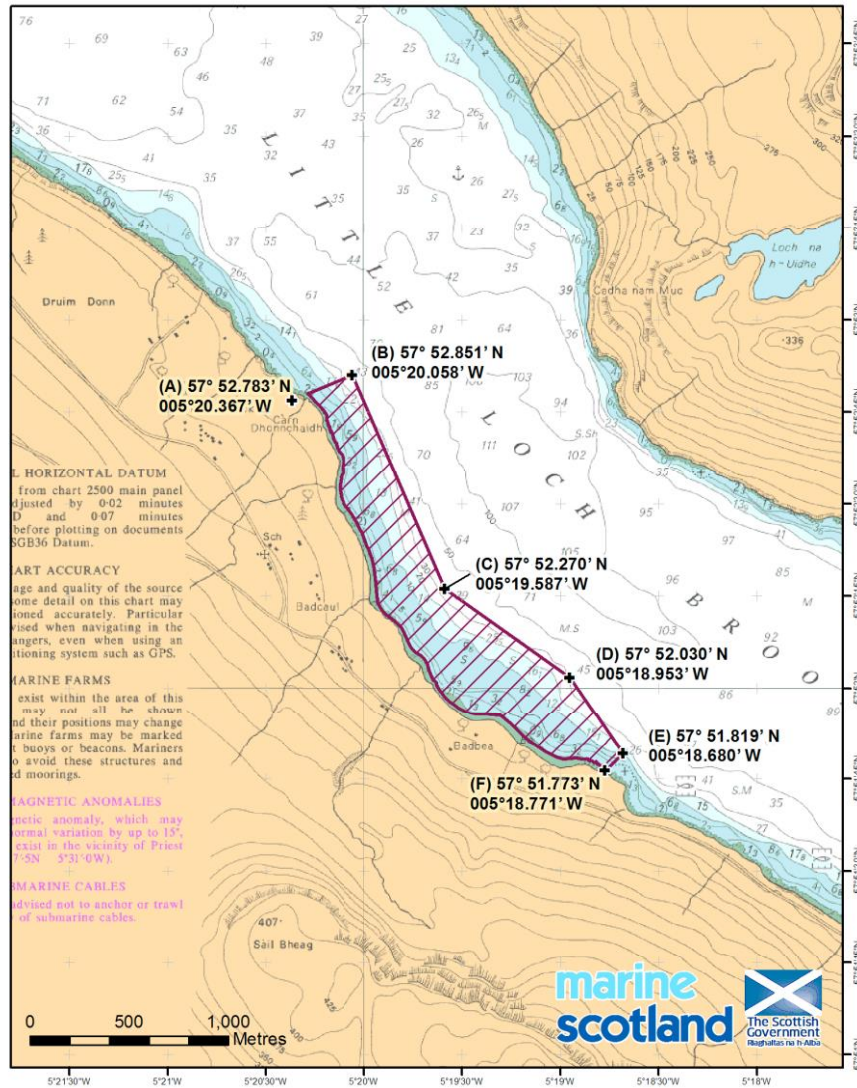
Article 6 of the Order prohibits the assignation or other transfer of the right of several fishery without the prior written consent of the Scottish Ministers.

Article 7 of the Order requires the limits of the area to be clearly marked and maintained on the bed and surface of the sea.

Article 8 provides that the effect of the Order does not prejudicially affect the rights of the Crown.

A Business and Regulatory Impact Assessment has been prepared in relation to this Order and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Government, Marine Scotland, Victoria Quay, Leith, Edinburgh EH6 6QQ and online at www.legislation.gov.uk.

The Little Loch Broom Scallops Several Fishery Order 2015



POLICY NOTE

The Little Loch Broom Scallops Several Fishery Order 2015

SSI 2015/28

The above instrument is made in exercise of the powers in sections 1 and 7(4)(a)(iii) of the Sea Fisheries (Shellfish) Act 1967. The instrument is subject to negative Parliamentary procedure.

Policy Objectives

Several Orders allow persons to apply for the right to fish exclusively for specified types of shellfish, including scallops, in a designated area. The Little Loch Broom Scallops Several Fishery Order 2015 confers on Scot-Hatch Limited, for a period of 10 years, the right of several fishery for scallops in part of Little Loch Broom covering an area of 75 hectares within specified co-ordinates. The Managing Director of Scot-Hatch Limited, Grant Campbell, has fished exclusively in a separate designated area within Little Loch Broom for the past 13 years under The Little Loch Broom Scallops Several Fishery Order 2002 ("the 2002 Order"). The 2002 Order includes a restriction that the harvesting of scallops can only be carried out manually by divers. The 2015 Order also provides for that restriction.

The 2015 Order will confer an exclusive right to fish scallops in an additional area within Little Loch Broom. Making the new Several Order will facilitate improved business opportunities and increased employment opportunities

Consultation

The applicant, Scot-Hatch Limited, consulted extensively with the local community and others as part of their application process.

A draft of the proposed Several Order was also consulted upon as is required in terms of Schedule 1 to the Sea Fisheries (Shellfish) Act 1967. Schedule 1 to that Act also requires the proposed Order to be published. Details of the proposed Order were advertised in a local newspaper on 28 November 2014. A period of four weeks was provided for receipt of any representations or objections but none were received.

Financial Effects

Other than time required to complete a short annual report, no financial burdens will be placed on the applicant as a result of the Order. A Business and Regulatory Impact Assessment has been prepared in relation to the Order and placed in the Scottish Parliament Information Centre.

**Marine Scotland
January 2015**

SSI 2015/30

Title of Instrument: Loch Ewe, Isle of Ewe, Wester Ross, Scallops
Several Fishery Order 2015 (SSI 2015/30)

Type of Instrument: Negative

Laid Date: 29 January 2015

Circulated to Members: 27 February 2015

Meeting Date: 4 March 2015

Minister to attend meeting: No

Motion for annulment lodged: No

Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee? No

Reporting deadline: 16 March 2015

Delegated Powers and Law Reform Committee

6. At its meeting on 17 February 2015, the Committee considered the following instrument and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

7. A copy of the Explanatory Notes and the Policy Notes are included with the papers.

Purpose

This Order confers on Scot-Hatch Limited ("the applicant") for a period of 10 years the right of several fishery for scallops in part of Loch Ewe (article 3). The part of Loch Ewe to which the Order applies is described in the Schedule to the Order. The location of the area to which the Order applies is also shown on an indicative map, one copy of which is held in the principal office of Marine Scotland, Victoria Quay, Leith, Edinburgh EH6 6QQ and another of which is held by the applicant at No. 2, Isle-Ewe, Aultbea, Achnasheen IV22 2JW. A representation of the indicative map is appended to this note for illustrative purposes.

EXPLANATORY NOTE

As per purpose above and including:

By virtue of section 2 of the Sea Fisheries (Shellfish) Act 1967, article 3 of this Order confers on the applicant the exclusive right to deposit, propagate, fish for and take scallops within the area, subject to certain restrictions.

Article 4 of the Order requires the harvesting of scallops under the right of several fishery to be carried out manually by divers and restricts the deposit of juvenile scallops taken from outside the fishery within the boundaries of the fishery.

Article 5 of the Order specifies creels as implements of fishing the use of which is permitted within the fishery.

Article 6 of the Order prohibits the assignation or other transfer of the right of several fishery without the prior written consent of the Scottish Ministers.

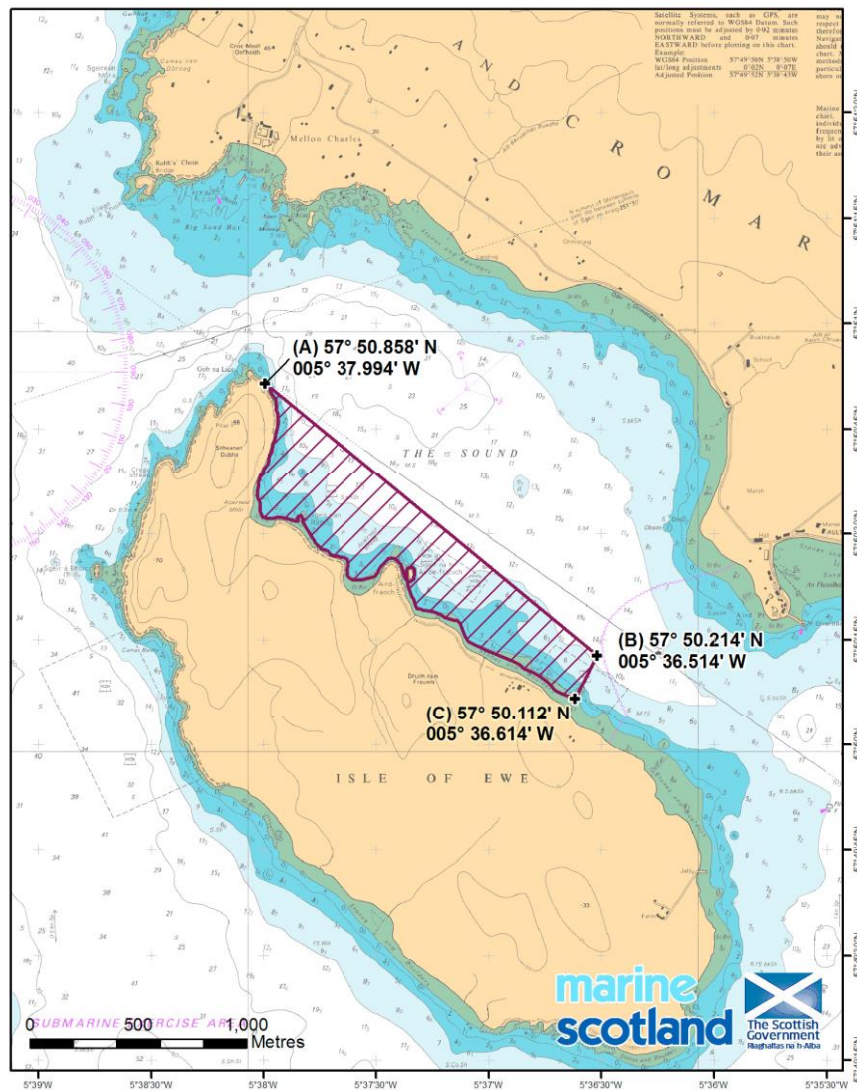
Article 7 of the Order requires the limits of the area to be clearly marked and maintained on the bed and surface of the sea.

Article 8 provides that the effect of the Order does not prejudicially affect the rights of the Crown.

Article 9 revokes the Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery Order 1997 and the Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery (Variation) Order 2002.

A Business and Regulatory Impact Assessment has been prepared in relation to this Order and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Government, Marine Scotland, Victoria Quay, Leith, Edinburgh EH6 6QQ and online at www.legislation.gov.uk.

The Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery Order 2015



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Projection: Mercator. Datum: WGS 1984. Standard Parallel: 56°00.00'N Scale 1:20,000.

POLICY NOTE

SSI 2015/30

The above instrument is made in exercise of the powers in sections 1 and 7(4)(a)(iii) of the Sea Fisheries (Shellfish) Act 1967. The instrument is subject to negative Parliamentary procedure.

Policy Objectives

Several Orders allow persons to apply for the right to fish exclusively for specified types of shellfish, including scallops, in a designated area. The Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery Order 2015 confers on Scot-Hatch Limited, for a period of 10 years, the right of several fishery for scallops in part of Loch Ewe covering an area of 56 hectares within specified co-ordinates. A director of Scot-Hatch Limited, Jane Grant, has fished exclusively in a smaller designated area within Loch Ewe (covering an area of 22.18 hectares) under The Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery Order 1997 ("the 1997 Order") and The Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery (Variation) Order 2002 ("the 2002 Order"). This order replaces the existing right of several fishery with a new right of several fishery for scallops within specified co-ordinates. The 2002 Order includes a restriction that the harvesting of scallops can only be carried out manually by divers. The 2015 Order also provides for that restriction.

The 2015 Order will provide an new exclusive right to fish scallops, but in a larger area of Loch Ewe than under the 1997 Order and the 2002 Order. Failure to make a new Several Order could de-stabilise the existing business and employment opportunities that the 1997 and 2002 Orders currently provide. The 2015 Order will provide for a larger area and improved business opportunities and employment opportunities.

Consultation

The applicant, Scot-Hatch Limited, consulted extensively with the local community and others as part of their application process.

A draft of the proposed Several Order was also consulted upon as is required in terms of Schedule 1 to the Sea Fisheries (Shellfish) Act 1967. Schedule 1 to that Act also requires the proposed Order to be published. Details of the proposed Order were advertised in a local newspaper on 28 November 2014. A period of four weeks was provided for receipt of any representations or objections but none were received.

Financial Effects

Other than time required to complete a short annual report, no financial burdens will be placed on the applicant as a result of the Order. A Business and Regulatory Impact Assessment has been prepared in relation to the Order and placed in the Scottish Parliament Information Centre.

Marine Scotland
January 2015

SSI 2015/58

Title of Instrument:	Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015 (SSI 2015/58)
Type of Instrument:	Negative
Laid Date:	13 February 2015
Circulated to Members:	27 February 2015
Meeting Date:	4 March 2015
Minister to attend meeting:	No
Motion for annulment lodged:	No
Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee?	No
Reporting deadline:	23 March 2015

Delegated Powers and Law Reform Committee

8. At its meeting on 24 February 2015, the Committee considered the following instrument and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

9. A copy of the Explanatory Notes and the Policy Notes are included with the papers.

Purpose

These Regulations make provision in Scotland for the administration of Regulation (EU) No. 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy (OJ No. L 347, 20.12.2013, p. 608) ("the Direct Payments Regulation"), as amended by Regulation (EU) No. 1310/2013 (OJ No. L 20.12.2013, p.865), and other associated EU regulations referred to in regulation 2(1).

EXPLANATORY NOTE

As per purpose above and including:

Regulation 3 prescribes the minimum size of agricultural parcel in respect of which a single application can be made.

Regulation 4 specifies the minimum eligible area of a holding in respect of which direct payments may be granted to a farmer.

Regulation 5 extends the definition of permanent grassland.

Regulation 6 specifies the final date for submission of a single application, an aid application or payment claim, and the date on which parcels used as the basis for a claim under the basic payment scheme must at the disposal of farmers.

Regulation 7 designates the short rotation coppice trees eligible under the basic payment scheme and sets the maximum harvest cycle.

Regulation 8 provides for the reduction by 5% of the part (if any) of any direct payments granted to a farmer which exceeds €150,000.

Regulation 9 makes provision for the period within which the transferor must notify the Scottish Ministers of a transfer of payment entitlements and the deadline for submitting applications for the allocation of payment entitlements from the national reserve. It also provides for a siphon on the value of payments entitlements which are transferred without land.

Regulation 10 provides for the basis on which an increase in direct payments to qualifying farmers aged 40 or less and participating in the young farmers scheme must be calculated.

Regulation 11 and Schedule 1 provide for (i) the criteria to be met by farmers in respect of agricultural areas maintained in a state suitable for grazing or cultivation and (ii) the minimum activity to be carried out in respect of agricultural areas naturally kept in a state suitable for grazing or cultivation.

Regulation 12 also specifies the detail of two of the readmission tests which are applied to rebut the presumption that certain business or activities are automatically not entitled to receive direct payments.

Regulation 13 sets the level of the reduction coefficient to be applied to eligible hectares for areas with difficult climate conditions at 10 per cent.

Regulation 14 provides, for the purpose of determining the initial unit value of entitlements, that in the case of (i) termination of a short limited duration tenancy or a limited duration tenancy; (ii) non-renewal of a lease for grazing or mowing, or (iii) sale of land, where the reduction in the eligible agricultural area is greater than 40 per cent, any increase in the value of payment entitlements will revert to the national reserve.

Regulation 15 describes the circumstances where farmers may apply to the national reserve because they have suffered a specific disadvantage.

Regulations 16 to 18 make provision relating to the “greening” component of direct payments, linking payments to agricultural practices beneficial for the climate and environment.

Regulation 16 sets out the period to be taken into account for the purposes of determining whether crop diversification requirements have been met.

Regulation 17 provides for the designation of permanent grasslands which are environmentally sensitive.

Regulation 18 and Schedule 2 set out the areas which are to be ecological focus areas ("EFAs") and details as to the scope of the EFAs relating to land lying fallow, landscape features, buffer strips, areas with catch crops or green cover and areas with nitrogen-fixing crops.

Regulation 19 provides for powers of entry of an authorised person and the power to carry out certain actions on the land entered for the purpose of enforcing these Regulations or any of the associated EU Regulations. An authorised person entering premises under these Regulations may be accompanied by such other person as the authorised person considers necessary or any representative of the European Commission. The person accompanying the authorised person may also exercise some of the powers of the authorised person.

Regulation 20 provides for an authorised person (or a person accompanying an authorised person) to request assistance of a farmer or any employee, agent, contractor or tenant of a farmer so as to enable to exercise of the powers in regulation 20.

Regulation 21 specifies criminal offences and penalties for obstructing an authorised person, failing to provide assistance and supplying to an authorised person false or misleading information.

Regulation 22 provides for offences by bodies corporate, Scottish partnerships and unincorporated associations.

Regulation 23 provides that any repayment due from farmers is recoverable as a debt and regulation 24 provides for the rate of interest on that repayment. Regulation 25 allows any payments due to the Scottish Ministers under regulation 23 to be set off against any amount due to the farmer under these Regulations or the European Regulations.

Regulation 26 makes consequential amendments to the Rural Payments (Appeals) (Scotland) Regulations 2009 (which provide for the review and appeal of certain decisions) so that decisions of the Scottish Ministers made in relation to the national reserve to allocate or top up entitlements can be subject to review by the Scottish Ministers and appealed to the Scottish Land Court.

Regulation 27 amends the Common Agricultural Policy (Cross-Compliance) (Scotland) Regulations 2014.

Regulation 28 revokes the Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2011 (the 2011 Regulations) and the Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland)

Amendment Regulations 2013, subject to savings. The 2011 Regulations will continue to apply in respect of a single application (within the meaning of those Regulations) and an application for payment under the Scottish Beef Scheme. Copies of guidance issued by the Scottish Ministers in relation direct payments will be made available at www.ruralpayments.org.

A business and regulatory impact assessment is being prepared for these Regulations and will be placed in the Scottish Parliament Information Centre. Copies may be obtained from the Directorate for Agriculture, Food and Rural Communities.

POLICY NOTE

THE COMMON AGRICULTURAL POLICY (DIRECT PAYMENTS ETC.) (SCOTLAND) REGULATIONS 2015 (SSI No 58/2015)

Introduction

1. The above instrument was made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972. The instrument is subject to negative resolution procedure. It was laid before the Scottish Parliament on 13 February 2015 and will come into force on 16 March 2015.

Background

2. The Agriculture Council and the European Parliament reached a political agreement about the reform of the Common Agricultural Policy (CAP) in June 2013. A new direct payments system for farmers replaced the current Single Payment Scheme (SFPS) from 1st January 2015. This instrument primarily makes provision in Scotland for the implementation of Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing the rules for direct payments to farmers under support schemes within the framework of the Common Agricultural Policy (the European Regulation), together with certain decisions that are at the discretion of the Scottish Ministers.

3. Council Regulation 1782/2003 introduced the Single Payment Scheme (SFPS) in 2005. That regulation was repealed by Council Regulation 73/2009 as part of the CAP Health Check which also amended those support arrangements and the Scottish Ministers have relied on Council Regulation (EC) 73/2009 for the management primarily of the SFPS under the CAP. Council Regulation 73/2009 was repealed with transitional arrangements under the latest reforms of the CAP as set out in Council Regulation (EC) 1307/2013.

Outline of Scheme

4. The term 'direct payments' refers to the total amount available for direct support to farmers that will be delivered through a number of funding streams. The support an eligible farmer will receive will be made up of:

- The basic payment;
- the payment for agricultural practices beneficial for the climate and the environment (known as "greening" measures);

- the young farmers payment (applicable by virtue of the European Regulation only to farmers no older than 40 years of age); and
- payments under voluntary coupled support schemes for the beef and sheep sectors (not covered in this instrument, however secondary legislation will be brought forward implementing this as due course).

5. The European Regulation requires mandatory funding of greening measures at the level of 30% of the direct payment budget and to provide a national reserve, according to demand, for young farmers and those who have started an agricultural enterprise. What remains is used to make the basic payment.

6. The new direct payments system is similar to the SFPS e.g. farmers must apply in May each year, must hold entitlements, and match eligible hectares to the number of entitlements in order to generate a payment. With the exception of voluntary coupled support, payments are not linked to the level of agricultural production. A further aspect of commonality with SFPS is that farmers must meet the requirements of cross compliance, which refers to maintaining land in good agricultural and environmental condition, and respecting statutory management requirements.

7. There will however be a number of changes. One of the most important is that a significant part of a farmer's direct payment will be dependent on meeting certain greening requirements, which means participants must apply the environmental practices set out in the European Regulation and this Instrument.

8. A further key difference from SFPS will be that differing payment rates will be set in 2015 according to three payment regions of Scotland. These payment rates will transit in equal steps in each region from 2015 to a common payment rate for each region by 2019.

Policy Objectives and Stakeholder Engagement

9. Following publication of the European Commission's draft legislative proposals, in October 2011, Scottish Ministers undertook a public consultation exercise and stakeholder engagement exercises via correspondence or in meetings with Ministers and officials as the European Regulation gives Member States discretion in certain areas about how to apply the new direct payments system in order to reflect different needs and priorities. As agriculture is a devolved matter and in light of the public engagement undertaken, the Scottish Ministers have made certain decisions about how the direct payments regime will be implemented. These implementation decisions are different to those made in other parts of the United Kingdom.

10. The decisions by the Scottish Ministers have four overall objectives:
- To provide a level playing field for new entrants;
 - To target support at active farmers;
 - To avoid over-compensating the least active farmers; and
 - To limit basic payments.

The instrument implements these objectives by introducing:-

- Successful applicants to the National Reserve to receive payments at the regional average (avoiding transition – see paragraph 8);
- Access to the National Reserve for farmers suffering from specific disadvantages (for example, farmers excluded from the previous regime when introduced by Council Regulation 1782/2003 because they were operating in a sector unsupported by the CAP (e.g. deer farming));
- The Young Farmers Payment to be available on the maximum number of hectares allowed under the European Regulation;
- Additional funding to the National Reserve to be achieved through:
 - A reduction of 5% of any direct payments greater than €150,000; and
 - A windfall profit reduction where an excessive increase in the value of payment entitlements arises from a fall in agricultural areas farmed between 2014 (when SFPS applied) and 2015 (when the new CAP was introduced);
- The minimum eligible area of a holding set at 3ha (unchanged from SFPS);
- Specify a minimum level of activity to be carried out on land which is naturally kept in a state suitable for grazing and which can be: a minimum stocking density of 0.05 lu/ha; a lower stocking density where this is justified by historic records; or an annual audit and survey of such land. This latter option will consist of map and description of the farm environment, surveys of breeding birds, mammals, butterflies and plant health and monitoring of habitats;
- The establishment of three payment regions (payment regions 1, 2 and 3) according to agricultural potential (see paragraph 8).
- A limit on the number of entitlements allocated in payment regions 2 and 3 to prevent dilution of payment values caused by an influx of previously undeclared land; and

11. The Scottish Ministers will also be implementing voluntary coupled support schemes for the beef and sheep sectors later in 2015. This is not covered in this instrument because the support arrangements have different eligibility criteria, application periods, and obligations compared to those in the present instrument and the Scottish Government will bring forward separate secondary legislation in due course.

Effect of Instrument

12. The Scottish Government has brought forward this secondary legislation to implement appropriate scheme criteria to land in Scotland. It is supplemented by The Common Agricultural Policy (Cross-Compliance) (Scotland) Regulations 2014 (SSI 2014/325), Orders under the Scotland Act (sections 30(3) and 106) to deal with cross border producers, and the European Integrated Administration and Control System (IACS) protocol between administrations so that the effect of these Orders, secondary legislation and administrative arrangements, will be to allow Scottish Ministers to apply Scottish rules to Scottish land, and, with advice from the respective administrations, their rules to their land for cross-border producers.

Impact Assessments

13. A Business and Regulatory Impact Assessment (BRIA) is being undertaken and is expected to be completed before the instrument comes into force. An assessment could not have been completed in advance because the latest deadline for notification of decisions was 31 January 2015 and stakeholder engagement could not have been undertaken whilst these decisions were pending. A partial BRIA was completed at the time of the public consultation and was published on the Scottish Government website and can be assessed using this link:-

<http://www.scotland.gov.uk/Resource/0044/00440744.pdf>

14. It terms of the assessment of the impact of the implementation of the reformed CAP in Scotland, on people with 'protected characteristics' (age, disability, sex, gender reassignment, race, religion or belief, sexual orientation) an Equality Impact Assessment has been undertaken and can be accessed using the following link:-

<http://www.scotland.gov.uk/Topics/People/Equality/18507/EqualityImpactAssessmentSearch>

Financial Effects

15. The Schemes covered by this instrument will enable the Scottish Ministers to pay around £450 million per annum.

Scottish Government Rural Payments and Inspections Division

10 February 2015

The Scottish Government's Wild Fisheries Review

Background

1. During scrutiny of the Scottish Government's Aquaculture and Fisheries (Scotland) Bill¹ in 2012/13, the Scottish Government announced its intention to establish a formal review of wild fisheries in Scotland. In its Stage 1 Report² on the Bill, the Rural Affairs, Climate Change and Environment (RACCE) Committee made a number of recommendations about issues which such a wild fisheries review should include, and also stated the Committee's intention to take an interest in the review and its outcomes.

2. In its Stage 1 report, the Committee recommended that the following issues should be included in the wild fisheries review—

- the management and governance of District Salmon Fishery Boards (DSFBs), including: support needed for smaller boards to comply with legal requirements; how boards are funded; and how DSFBs interact with other fishery interests;
- issues relating to coarse fisheries;
- issues relating to salmon netting; and
- how initiatives such as the Upper Dee Riparian Scheme can be rolled out across the country.

3. On 14 January 2014, the then Minister for Environment and Climate Change wrote³ to the Committee to inform it of the launch of the Wild Fisheries Review, and the appointment of Andrew Thin (who took up his appointment in March 2014), the outgoing Chair of Scottish Natural Heritage, as the Chair of the review.

4. The then Minister wrote⁴ again to the Committee on 27 February 2014 with information on the remit, scope and structure of the review, confirming that it would formally begin on 3 March 2014 and take around six months to conclude its work with a report to the Minister. The Minister stated that he would then “consider any recommendations made and will consult on any subsequent proposals to implement a new management regime.”

5. The Scottish Government stated that the aims of the review were to—

¹ Aquaculture and Fisheries (Scotland) Bill. Available at <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/55381.aspx>.

² Scottish Parliament Rural Affairs, Climate Change and Environment Committee. Stage 1 report on the Aquaculture and Fisheries (Scotland) Bill. Available at: http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/Reports/rur-13-01w.pdf.

³ Letter from the Minister for Environment and Climate Change, 14 January 2014. Available at: http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/2014.01.14_-_Minister_Wild_Fisheries_Review.pdf.

⁴ Letter from the Minister for Environment and Climate Change, 27 February 2014. Available at: http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/2014.02.17_-_Minister_Wild_Fisheries_Review.pdf.

- develop and promote a modern, evidence-based management system for wild fisheries fit for purpose in the 21st century and capable of responding to the changing environment; and
- manage, conserve and develop our wild fisheries to maximise the sustainable benefit of Scotland's wild fish resources to the country as a whole and particularly to rural areas.

6. A more detailed remit and scope of the Review were published on the Scottish Government's website, along with some background to the review, and these have been reproduced in **Annexe A** to this paper.

7. The Chair was supported in the review by a review panel (comprising of Michelle Francis and Jane Hope) and a Technical Advisory Group, made up of representatives from Marine Scotland Science, Scottish Natural Heritage, the Scottish Environment Protection Agency and the Institute of Fisheries Management.

8. A formal call for written evidence⁵ was issued on 28 April 2014. The call for evidence identified four main themes/questions for the review to consider—

- Leadership and governance;
- Management and delivery
- Resourcing; and
- Cross-cutting issues.

9. The Group published its final report and recommendations⁶ to the Scottish Government on 8 October 2014. The recommendations contained in the report have been reproduced at **Annexe B**.

History of previous fisheries reviews

10. The report of the Salmon Strategy Task Force, published in 1997, recommended the replacement of DSFBs with 20 Area Fishery Boards. These would principally be responsible for salmon and sea trout fisheries, although the report said that giving these bodies responsibility for other species should be considered. The Task Force report reviewed previous work on this area. Proposals to replace DSFBs with larger area committees responsible for all species of fish date back to the Hunter Committee of 1965.

11. A Scottish Executive consultation '[Protecting and promoting Scotland's freshwater fish and fisheries](#)' launched in 2000 (Scottish Executive 2000) set out the issues surrounding freshwater fishing, and sought views on how they could be resolved. The then Scottish Executive published a Green Paper (Scottish Executive 2001) which listed 26 mostly non-legislative actions to resolve these problems. The Green Paper did envisage some legislative actions, including a review of the legislation, once it had been consolidated. It did not propose the wholesale replacement of DSFBs but did propose the establishment of Area Fisheries

⁵ Wild Fisheries Review. Call for evidence. Available at:
<http://www.scotland.gov.uk/Resource/0044/00449300.pdf>.

⁶ <http://www.scotland.gov.uk/Topics/marine/Salmon-Trout-Coarse/fishreview/WFRFinal>.

Management Committees at catchment level who would produce Area Fishery Management Plans. Where there was agreement DSFBs could combine and take on the role of these Committees.

12. The legislation was consolidated in the first session of the Parliament with the passing of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003⁷, which brought all the main domestic laws relating to salmon and freshwater fisheries into one place.

13. The then Scottish Executive established a Fisheries Forum in 2004 to allow exchange of information and discussion of topical issues and to aid the consultation process and decision making for any new legislation. The forum also had a steering group, made up of representatives of all the main angling and fisheries management bodies plus other public and private sectors bodies with aquatic/environmental interests. Proposals for a Draft Aquaculture and Freshwater Fisheries Bill were put forward by the Scottish Executive in 2005 and were based on the work of the forum. The consultation document said the structure favoured by the forum was a “unitary authority” model covering salmon, trout and coarse fish. However it went on to say that developing legislative proposals would take longer than the timescale available for the Bill. Thus the Aquaculture and Fisheries (Scotland) Act 2007⁸ did not make changes to the system for managing and administering salmon and freshwater fisheries in Scotland.

14. The Freshwater Fisheries Forum Steering Group began work on a strategy for freshwater fisheries in Scotland in July 2006, and the output of its work, [a Strategic Framework for Scottish Freshwater Fisheries](#) was published in July 2008. The Strategic Framework did not envisage fundamental changes to fisheries management structures. The Framework noted—

“Existing DSFBs do not have a mandate to consider all-species fish and fisheries management, although Trusts and Foundations do. In some parts of the country, where the Boards and Trusts agree to work together, all-species management is either being practised, or starting to emerge on a pilot scale. We believe this activity should be supported and extended, since it provides valuable guidelines for the future, and at the same time allows an evolutionary approach to what already exists in Scotland. The Tweed Commission does have statutory responsibility for salmon and freshwater fish species.”

15. In terms of fisheries management structures, actions proposed in the framework included: continuing with a strategic review of the need for further amalgamation of DSFBs; continued collaboration between DSFBs and fisheries trusts; and the formation of DSFBs and trusts where none exist. Other proposals in

⁷ Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003. Available at: <http://www.legislation.gov.uk/asp/2003/15/contents>.

⁸ Aquaculture and Fisheries (Scotland) Act 2007. Available at: <http://www.legislation.gov.uk/asp/2007/12/contents>.

the Framework formed the basis for the proposals on fisheries in the Aquaculture and Fisheries (Scotland) Act 2013.⁹

Scottish Government consultation on a licensing system for killing wild salmon in Scotland.

16. The Wild Fisheries Review report recommended that, in advance of consideration of the broader reform agenda for wild fisheries, Scottish Ministers take immediate action to conserve wild Atlantic Salmon (*salmo salar*) by introducing as soon as practicable a ban on killing except under licence, accompanying regulations on fishing equipment and the use of carcass tagging as a tool to ensure compliance with the licensing regime.

17. The Scottish Government launched a consultation¹⁰ on 6 February 2015 running until 30 April 2015 inviting views on proposed conservation measures which would seek to ban the killing of wild salmon except under licence along with an accompanying carcass tagging scheme to ensure compliance.

RACCE Committee scrutiny

18. The Committee took evidence¹¹ from the Chair of the review, Andrew Thin, and panel member Jane Hope, at its meeting on 21 May 2014.

19. The Committee subsequently agreed to wait until the final report was published and then take evidence from the review group; stakeholders; and the Minister. The Committee heard from the review group on 18 February 2015¹² and from stakeholders on 25 February 2015¹³. It will now hear from the Minister on 4 March 2015. The Committee will then write to the Scottish Government with its views.

Clerks/SPICe

Rural Affairs, Climate Change and Environment Committee

⁹ Aquaculture and Fisheries (Scotland) Act 2013. Available at: <http://www.legislation.gov.uk/asp/2013/7/contents>.

¹⁰ Scottish Government *Consultation on proposed conservation measures to introduce a licensing system for wild salmon in Scotland* 6 February 2015. Available at: <http://www.scotland.gov.uk/Publications/2015/02/4158>

¹¹ Scottish Parliament Rural Affairs, Climate Change and Environment Committee, *Official Report*, 21 May 2014: <http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9401&mode=pdf>

¹² Scottish Parliament Rural Affairs, Climate Change and Environment Committee, *Official Report*, 18 February 2015: <http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9783>

¹³ Scottish Parliament Rural Affairs, Climate Change and Environment Committee, *Official Report*, 25 February 2015: Available from 27 <http://www.scottish.parliament.uk/parliamentarybusiness/official-report.aspx>

Annexe A

Background, remit and scope of the Wild Fisheries Review

Why do the Review?

Over the last 60 years there have been many reviews that have highlighted important issues that need to be addressed in the management of Scotland's wild fisheries (salmon and freshwater fisheries). However, limited real change has been delivered and, as confirmed in an independent recent baseline report for the Scottish Government, the existing wild fisheries management system is not fit for purpose in the 21st century.

Scottish Ministers have made a commitment to support and protect our famous and valuable salmon and freshwater fisheries and to modernise the management structures. The Aquaculture and Fisheries (Scotland) Act 2013 was the first stage in delivering this commitment and it implements work that had already been prepared to update the legislative framework for salmon fisheries, and modernised governance arrangements. Ministers have committed to an independent review of the management of all of Scotland's wild fisheries as the next stage in delivery of the manifesto commitment and to support further development of the sector.

The review will look forward, not backward. It will focus on the requirements of a modern, evidence-based fishery management system. It will not reassess how well the current system operates or how it might be amended – this is territory well covered by previous reviews. The review is expected to take into account appropriate reports and international experiences (notably Ireland, New Zealand and Canada). The review will seek to engage widely with relevant stakeholders, and the Scottish Government encourage people to engage with the review positively and in a co-operative spirit.

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.

Annexe B

Report of the Wild Fisheries Review Panel – Summary List of Recommendations

Chapter 3 Fundamentals

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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).

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).

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 consider 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.

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.

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.

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.

Chapter 7 Sustainable Harvesting

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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.

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.