

CONSULTATION ON THE AQUACULTURE AND FISHERIES (SCOTLAND) BILL

The Scottish Parliament's Environment and Rural Development Committee has issued a call for evidence. The Committee is seeking views from all interested parties on the general principles of the Aquaculture and Fisheries (Scotland) Bill.

The Committee is keen to receive written evidence on the issues arising from the Bill. The [Bill](#) can be viewed on the Parliament's webpage. It is divided into five parts covering certain areas of aquaculture and fisheries management. The main areas are:

- powers to inspect fish and shellfish farms to assess measures for controlling parasites and preventing fish escapes and for Ministers to approve and monitor codes of practice on these issues;
- contingency powers to deal with the containment and treatment of *Gyrodactylus salaris* (GS), an exotic parasite of salmon, if it was introduced into Scotland; and
- changes to the rules on access, including provisions to improve the current system of protection orders, welfare considerations, and conservation measures for salmon and freshwater fisheries.

The Bill also includes provisions relating to:

- payments to be made in respect of fish destroyed as a result of disease control measures;
- restrictions on the movement of fish into specified areas of marine waters;
- prohibitions on the unauthorised introduction of live fish into inland waters;
- payments for the development, promotion, organisation and research in areas related to aquaculture and fisheries;
- the compulsory provision of certain information; and
- compliance with the Common Fisheries Policy restrictions and obligations relating to sea fishing.

Some issues on which respondents may wish to comment include:

- Whether a regulatory regime to control parasites and to contain and prevent fish escapes from fish farms is necessary and appropriate;
- Whether the definition of "parasite" should be as set out in the Bill;
- Whether the powers of inspectors are appropriate;
- What effect the proposed regulations on the containment and treatment of *Gyrodactylus salaris* would have on businesses, biodiversity and other water users;
- Whether the proposals on welfare and conservation measures are appropriate;
- Whether the types of data and information sought by the Bill are appropriate;
- Whether the proposals in the Bill on live fish movements are appropriate;
- What impact the amendments on protection orders will have on access to fishing (especially given that the Executive intends to revoke protection orders once new management structures for freshwater fisheries have been developed).
- Whether the proposal to amend the Fisheries Act 1981 to enforce Common Fisheries Policy obligations as provided for in the Bill is appropriate.

In addition to any general comments on the Bill, respondents are welcome to focus comments on any specific provisions.

Other matters: Views are also welcome on the policy memorandum and financial memorandum accompanying the Bill:

- How helpful do you find these documents?
- Are the financial consequences of the Bill sufficiently clear?
- Are the effects of the Bill on issues such as equal opportunities and sustainable development accurately and clearly described?
- Do you have any comments on the consultation the Scottish Executive carried out prior to the introduction of the Bill?

BACKGROUND NOTES

The Bill was introduced to the Parliament on 29 June 2006. It is expected that the Parliamentary Bureau will refer the Bill to the Environment and Rural Development Committee as lead committee for Stage 1 scrutiny. At Stage 1 a subject committee examines the general principles of a Bill and recommends to the Parliament whether the general principles should be agreed to. As part of this process, a committee usually takes written and oral evidence from interested parties.

Written evidence should be submitted no later than 15 September. Evidence should be reasonably brief and typewritten (as a guide, normally no more than 4 sides of A4). It would be most helpful if responses could be submitted by email to: ERDC@scottish.parliament.uk

Alternatively, responses can be submitted by letter to Jenny Goldsmith, Assistant Clerk, Environment and Rural Development Committee, Room T1.01, The Scottish Parliament, Edinburgh EH99 1SP.

What we will do with your evidence

This information lets you know how we will deal with any information you send us in response to this call for evidence and any subsequent correspondence we have with you.

Most people who submit evidence want it to be put in the public domain. In addition, the Committees of the Scottish Parliament are committed to being open in their dealings, in accordance with the Scottish Parliament's founding principles.

Our normal practice is to publish all evidence on our website and we may also include it in the published Committee report. However, there may be a few situations where the number of submissions we receive does not make this possible or where submissions are excessively lengthy or we receive a large number of submissions in very similar terms. In those cases, we would normally only publish a list of the names of people who have submitted evidence.

In addition, there may be a few situations where we cannot publish, or have to edit submissions before publication, for legal reasons.

Data Protection Act 1998

The Parliament must comply with the Data Protection Act 1998. This affects what information we can make public about living people.

When we publish your evidence, we will not therefore publish your signature, your telephone number, or your address. We also have to edit information which can identify another living person who has not specifically given his or her consent to have information about them made public.

In these situations, Committee members will have access to the full text of your evidence, even though it has not been published in full.

Defamatory material

The Parliament will not publish defamatory statements or material. If we think your submission contains defamatory material, we will typically return it to you with an invitation to resubmit it without the defamatory material. If the evidence is returned to us and it still contains defamatory material, it cannot be considered by the Committee and we will have to destroy it.

Freedom of Information (Scotland) Act 2001

The Parliament is covered by the Freedom of Information (Scotland) Act 2001. This also affects the way that we deal with your evidence.

If you wish your evidence to be treated as confidential or you wish your evidence to be published anonymously, please contact the Clerk to the relevant Committee, **before** you submit your evidence. We will do all that we can to respect your wishes where your evidence contains personal or sensitive information. In these circumstances, your evidence will be sent to Committee members but either will not be published more widely or will be published anonymously.

However, you should be aware that if we receive a request for information under the Freedom of Information (Scotland) Act, while we will try to continue to comply with your wishes, we may be legally required to release the information to the person who has made the request.

So, in the circumstances outlined above, while we can assure you that your document / name will not be circulated to the general public in the context of the relevant Committee's current work, we are unable to give you a guarantee that the document will never be released.

The contact for members of the media is:

Richard Holligan Tel: 0131 348 5605

RNID TypeTalk calls welcome

email: richard.holligan@scottish.parliament.uk

For specific committee information, contact:

Mark Brough, Clerk to the Environment and Rural Development Committee

Tel: 0131 348 5240, or

Katherine Wright, Senior Assistant Clerk
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