

## Response ID ANON-XWJZ-8591-A

Submitted to **Draft provisions for a Wild Fisheries (Scotland) Bill/Draft Wild Fisheries Strategy: a consultation**  
Submitted on **2016-05-02 18:26:51**

### Introduction

#### 1 Are you responding as an individual or an organisation?

Organisation

#### 2 What is your name or your organisation's name?

**Name/orgname:**

Animal Concern Advice Line

#### 3 What is your email address?

**Email:**

animals@jfrobins.force9.co.uk

#### 4 The Scottish Government generally seeks to publish responses to a consultation, in summary and where possible in detail. We would like your permission to publish:

Your response along with your full name

#### 5 We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

#### Which sector do you associate yourself with (please tick all that apply)?

NGO

Please specify business or other here::

### Chapter 1: National Wild Fisheries Strategy

#### 1 Are you content with the structure and content of the draft National Wild Fisheries Strategy?

No

**Please Explain:**

I do not believe there has been enough consideration of the welfare of fish and other wildlife in this consultation. I also note that the Scottish Government has been engaged in activities to encourage young people to take up angling, which one must assume is the what is meant by "Wild Fisheries". Public money would be better spent educating and policing the activities of the minority of existing anglers who cause serious damage to our environment and inflict suffering on wildlife in and around our rivers, lochs, canals and coasts.

#### 2 Which of the current areas within the draft Strategy would you prioritise, and why?

2:

Introduction of a rod license or similar scheme in Scotland with monies raised used to educate anglers and police their activities to reduce their negative impact on fish welfare, the environment and wildlife.

### Chapter 3 - Administration & Management of wild fisheries

#### 3 Do you agree with the proposed high level duties on Scottish Ministers?

Don't know

**Please Explain:**

Conservation and environmental protection should be dealt with at a high level within Government but sadly the current Government tends to recognise "stakeholders" mainly as those with a commercial interest in exploiting the environment and fish stocks. Ministers seek and take advice from some very dubious sources and have failed to take decisive, positive action to protect freshwater fish stocks as has been seen in the refusal to ban the coastal netting of salmon which kills many thousands of fish before they can reach their spawning waters.

#### 4 Do you agree that the criteria set out in paragraph 31 are the correct criteria for identifying the number of FMAs?

Don't know

**Please Explain:**

Doesn't matter how many or how few FMAs there are if the FMOs covering those areas consist only of people with a vested interest in angling and do not include input from fish and wildlife welfare experts and conservationists.

**5 Do you agree that the legislation should not include a specific requirement to have an FMO in every part of Scotland?**

No

**Please Explain:**

Only areas with no fresh water and no fish should be exempt.

**6 Do you agree with the proposed approach to designation of FMOs?**

No

**Please Explain:**

FMOs should not solely be constructed from the bottom up. The Scottish Government should legislate to ensure that each FMO has within its membership people whose priorities are fish and wildlife welfare and environmental conservation.

**7 Do you agree with the proposed approach and timeline for approval of local fisheries management plans?**

No

**Please Explain:**

It can take Government years to deal with simple conservation matters yet you expect something as complex as a fishery management plan to be completed in 3 months. If all you want is applications for licenses to shoot seals in the estuary and kill cormorants and other fish-eating birds further upstream then keep your 3 month deadline. If you want it done properly allow a year or more for proper consideration of the many factors involved.

**8 Do you agree with the proposed approach to good governance and investigation of FMOs?**

No

**Please Explain:**

I think financing the scheme should have been dealt with separately. Perhaps a 90% tax on the sale of commercially netted salmon would be a good start?! Now that sporting estates are to start paying taxes some of that money could be used. Why not introduce a tax on the leasing of fishing beats? Angling is big business in Scotland and should be able to at least partly fund moves to improve and sustain the industry. However we are also dealing with important conservation issues which deserve public funding.

**9 We seek your views on the proposed approach to the wild fisheries levy.**

**Please Explain:**

I would be very wary of allowing FMOs to set their own local levies. Surely national rates should be agreed and administered by Government? In all events the money raised should be ring fenced to be used for fishery management and conservation. Again I urge Government to consider a rod licence scheme. I would also suggest a levy on put and take fisheries. Although they are not exploiting wild fish (though many put and take waters have wild fish populations) these fisheries do pose a risk from introducing non-native species into the wild to releasing disease from stewpond fish into wild stocks. Some put and take fisheries also rely on water input from and output to wild fishery river systems.

**10 Should Scottish Ministers have the power to review the designation of FMO status?**

Yes

**Please Explain:**

FMOs should be policed and monitored to ensure they are fulfilling their role properly.

**11 If so, what would be an appropriate period for such a review?**

**Please Explain:**

Assuming FMOs make annual reports to the appropriate Ministry it might be necessary only to conduct a review if an annual report raises cause for concern or if someone raises concerns with the Ministry.

**12 Do you agree that FMOs should be statutory consultees for fish farming applications?**

Yes

**Please Explain:**

Salmon farms on the migratory routes of wild salmon and sea trout are one of the biggest problems facing wild salmonid stocks.

**13 Should we consider whether FMOs should be statutory consultees for any other types of development?**

Yes

**Please Explain:**

All sorts of developments including forestry, farming, gravel extraction, quarrying, flood prevention, bridging rivers, pipe and cable laying, water extraction etc. can damage water courses and fish breeding areas. These do not have to be on the bank of rivers and lochs but could be miles away. Of course like any other body or individual FMOs can look out for and object to any planning application but I think there should be a statutory requirement to consult FMOs on any development within their water catchment area.

## **Chapter 4 - Regulation of wild fishing and fisheries**

### **14 Do you agree that local conservation measures, agreed by FMOs at a local level, could be made by the Scottish Ministers without being subject to Parliamentary scrutiny?**

No

**Please Explain:**

Some conservation measures may include culling of native wild animals and birds and such applications should not be permitted without full public consultation.

There is also a big problem with having numerous local fishing rules and regulations. Native anglers go to different rivers and lochs to fish. Tourists come to fish in Scotland and visit many different areas. That's one of the reasons the ban on live baiting using live fish was banned throughout Scotland and not just on those waters where it was a traditional method of catching pike.

Having some baits or lures or types of hook banned on one river system but permitted in a system a few miles away just causes confusion. Government should have a full consultation on what type of angling equipment is allowed in Scotland. Salmon roe is an illegal bait throughout Scotland. Using live fish as bait is illegal throughout Scotland. It is time for Government to set the rules on other issues.

For the welfare of fish and other wildlife the use of barbed hooks should be banned. Only end of line tackle which breaks off near the hook when snagged should be allowed. The use of treble and perhaps double hooks should be banned. Lures with multiple hooks should be banned.

However new legislation is only of use if anglers are aware of it and if there are penalties for breaking it. For instance it has been illegal for years to use lures with lights on them to catch fish but I doubt if many anglers are aware of this and such lures can still be bought.

That is one reason a national rod licence should be introduced and when purchased the angler would be given a booklet describing in detail anglings law in Scotland and making it clear the penalties for breaking that law and other laws such as littering and wildlife protection.

### **15 Do you agree with the approach to conservation regulations?**

No

**Please Explain:**

Set out clear national legislation on fish and habitat conservation and then strenuously enforce that legislation using all available resources. As well as species conservation this review should also address the many fish and wildlife welfare problems caused by angling.

### **16 We would welcome any specific comments you have in relation to section 23-32 of the draft provisions.**

**Comments:**

It is disgraceful to allow the continuation of coastal netting of wild salmon especially as one of the main companies involved has openly flouted the close times legislation. If Scotland really wants to be taken seriously as regards Atlantic Salmon conservation we should ban salmon netting and remove all salmon factory farms from salmon migratory routes.

### **17 Are there specific examples of issues with the offences in the 2003 Act that we should be aware of in developing the framework for an all species management system?**

Yes

**Please Explain:**

The very varied lengths of the salmon fishing season on different waters in Scotland perhaps does little to aid conservation. The ban on fishing for salmon on a Sunday goes back to the days when the only day off for ordinary folk was a Sunday. Clergy wanted folk in their churches on a Sunday a riparian owners didn't want the taking "their" salmon so fishing was banned on a Sunday. After all the clergy and the riparian owners could go fishing the other six days of the week. Why not permit Sunday fishing thus making Scotland more attractive to visitors and, for real conservation, set a much longer national annual close season (such as we have for brown trout) to allow salmon and sea trout undisturbed passage to their breeding grounds?

## **Chapter 5 - Enforcement**

### **18 Do you agree that the appointment of water bailiffs/wardens could be for more than one FMO and potentially nationwide?**

Yes

**Please Explain:**

I also think more should be done by Government to ensure that other methods of policing fisheries should be available. Police officers should be trained in

policing fishing in Scotland. National Park/local council Wardens should also be trained and given the same powers as bailiffs and the public should be encouraged to report any suspicious activity on our rivers and lochs.

**19 Do you agree that the appointment of bailiffs and wardens should continue to take place at both a local or national level?**

Don't know

**Please Explain:**

Do you mean both a local and national level or do you mean a local OR a national level?

I think they should be recruited and properly trained at both but should perhaps be available to operate on a national level. For example bailiffs need good local knowledge but poachers have that too and get to know who the bailiffs are. Having bailiffs from one area available to do the occasional shift or two in areas where they are not known could be useful as could bringing in a number of bailiffs from different areas if there is a big poaching problem in one area. Some sort of national co-ordination would be crequired for that.

**20 Do you agree that we should consider a new title for the role of water bailiff?**

Don't know

**Please Explain:**

As long as it is not some idiotic new-speak like Aquatic Resources Servicing Executive it might be a good idea to make it more obvious what the bailiff/warden is there to do. Fishery Protection Officer comes to mind.

**21 Do you agree that there are advantages in having a second tier of enforcement officer, primarily focussed on checking permits and providing information?**

Don't know

**Please Explain:**

If you are going to train staff why not train them all to their full potential as fishery protection officers? If you simply want to save money by having lower paid folk who can sell a poacher a permit but cannot arrest him for poaching you are wasting resources. When anyone buys a permit or season ticket the permit provider should supply a booklet detailing all relevant national legislation and any local rules and regulations. That same information should be easily available in all libraries, tourist information offices, police stations and tackle shops. Of course if we had a rod licence scheme everyone with a fishing rod would get all that info in a handbook.

**22 What issues in relation to powers and enforcement do you consider are barriers to providing appropriate protection to our wild fisheries and fishing?**

**Please Explain:**

Lack of a national co-ordinated approach to angling and angling law. The huge numbers of so-called "owners" of our wild fish. Under resourcing in/lack of interest from the Wildlife Crime unit in Police Scotland. The lack of information available to anglers, especially visiting anglers. The inability of the Scottish Government to tackle these issues properly such as their refusal to do away with salmon netting.

## **Chapter 6 - General**

**23 Are the terms used throughout the draft provisions clear and unambiguous?**

Don't know

**Please Explain:**

I'm sure that like most documents, especially legal documents, there is scope for a good bit of sub-editing to make things clearer and more easily understood but perhaps the time for that is when the final draft is produced. My rule is: if it can be read and understood by a literate 14 year old there is every chance that most conservationists and politicians will understand it too.

## **Chapter 7 - Assessing Impact**

**24 What do you consider would be the key resource issues for an FMO under the proposed new regulatory structure?**

**Please Explain:**

Finance and political backing.

**25 What other information do we need to consider in developing a BRIA for the Bill when it is laid before the Scottish Parliament?**

**Please Explain:**

Making sure it is detailed and accurate and most important honest. Some have assessed the likes of deer stalking and driven grouse shooting as bringing £millions into the Scottish economy. However a comparatively small number of people come to shoot our wildlife and often they pay the shooting estate to pick them up at the airport or station, to put them up in estate property and to wine and dine them during their stay. Apart from a few low-paid jobs on the estate and pocket money for beaters, little cash gets into the local community. A very similar situation exists on some of our more exclusive salmon rivers.

## **Evaluation**

**31 Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)**

**Matrix 1 - How satisfied were you with this consultation?:**

Slightly satisfied

**Please enter comments here.:**

Plenty of space to make comment thus making it far more comprehensive and less easily manipulated than a straight yes or no response.

**Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:**

Very dissatisfied

**Please enter comments here.:**

While the site is easy to use why call it Citizen Space? It makes it sound like an outside agency and not part of the Scottish Government. It's like the name Marine Scotland - it confuses people.