



Our Ref: MM/fi/CR12-017

Scottish Fishermen's Federation  
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Your Ref: [REDACTED] Your ref no. [REDACTED] Re: [REDACTED]

23 April 2012

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Dear Sirs,

### Aquaculture and Fisheries Bill 2012

The Scottish Fishermen's Federation (SFF) as the group representing the nine major fishing associations in Scotland welcomes this chance to comment on the content of the above Bill. The SFF notes that the first four sections in the consultation document are not primarily concerned with Sea Fisheries and our comments on these sections are restricted to the two particular questions raised which could affect our sector.

**Biomass Control and Well Boats (paras 34-39):** The SFF would encourage strict control of the management of sea-lice treatments. Operators need to be dissuaded from any inappropriate use of therapeutic treatments on their stocks. This would, of necessity include strict monitoring of well-boat discharges to ensure that they remain within licence requirements, and the resulting chemical cocktail is not released into any other area where it may impact on commercial stocks.

**Seaweed Cultivation (paras 42-44):** The SFF would see a need to seaweed farms to be regulated in the same manner as any other "farming" at sea operation. It would therefore be sensible to include them in the licensing provisions of the Marine (Scotland) Act 2012. The SFF would see the benefit of the Fishing sector being named as statutory consultees for licensing applications under this framework.

**Widening the scope of Fixed Penalty Notices (paras 113-122):** The SFF would support the extension of fixed penalties to other devolved activities in Scottish Waters, with the safeguard that if this were to happen the monetary value of fixed penalties would remain less than court case penalties. SFF would welcome a link between the value of the deterrent and the size of the transgressing entity. This would be important to the fishing industry as the financial size of fishing operations is much less than operators in the other sectors legislated for in the marine environment, thus the effect of larger penalties could be disproportionate on fishing.

**Enforcement of EU obligations Beyond British Fisheries Limits (para 125):** Given that the SFF has long called for a level playing field in terms of compliance efforts under the CFP, we would not oppose this partial move towards equality of enforcement. At the same time we would

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Anglo Scottish Fishermen's Association  
Clyde Fishermen's Association  
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Scottish Pelagic Fishermen's Association Ltd  
Scottish Whitefish Producers' Association Ltd  
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look for the Scottish administration to be lobbying our neighbouring fishing nations to embrace the same concept of a common application of the rules.

**Powers to detain vessels in Port (para 128-130):** Since this appears to close a loophole in the law, where a foreign vessel could possibly sail (and evade punishment) after the report of the offence has been submitted to the Procurator Fiscal, the SFF is content to accept the principle.

**Disposal of Property/Forfeiture of Prohibited items (Para 131-133):** The SFF would not oppose bringing in the power to dispose of property or evidence items that can be proved to be of an implicitly illegal nature.

**Powers to inspect Objects (para 134-136):** The SFF would expect that in any type of enforcement action, where the person responsible for any particular unattributed object in the sea is easily identified, that person should be given the opportunity to be involved in any inspection of said object, if there is reasonable cause for such inspection. Where it is not possible to identify the responsible person for any object, the SFF would expect enforcement officers to be able to show reasonable cause before inspecting said object. That being said if the measure increases the ability to deal with the problems of unlicenced fishing, it may be beneficial to all.

**Sea Fisheries (Shellfish) Act 1976 (para 137):** If the sole reason for the changes is simplification of the legal wording SFF is content with this proposal, but, the SFF would oppose any attempt to widen the opportunity for regulating orders to be implemented in Scotland, which is against the principle of the free right to fish. Particularly, any move to include Nephrops in these Regulating Orders should be avoided, as there is already sufficient legislation covering this species under the terms of the CFP. SFF would welcome the Scottish Ministers having the power to appoint an Inspector to run an inquiry into any proposed order.

**Paying for Progress (para 138-141):** Given that the government are obliged, under EU regulation, to "provide" the services of management, compliance and science, this is interpreted as being an enabling provision for the future imposition of charges for what are described as services where an individual gains benefit, or a whole sector engages in mutually beneficial projects, with Marine Scotland involvement.

Obviously we cannot just ignore the reasoning behind this proposal but on the basis that industry has not yet been properly consulted in any shape or manner on the proposal to introduce charges, especially the idea of imposing a charge on licences, the SFF would strongly oppose the introduction of this provision.

Yours faithfully,

Bertie Armstrong  
Chief Executive  
Scottish Fishermen's Federation