

# **Wild Fisheries Reform: a response to the report of the Wild Fisheries Review**

**May 2015**

## Ministerial Foreword

The Scottish Government is committed to supporting and protecting our famous and valuable wild salmon and freshwater fisheries and to deliver a management framework fit for the 21<sup>st</sup> century. Over the last 50 years there has been a series of reports into the management structures of salmon and freshwater fisheries. Despite the volume of considerations, and the degree of consistency in terms of the actions recommended, there has been little in the way of strategic and holistic reform of structures.



The independent Wild Fisheries Review, chaired by Andrew Thin, considered the requirements for a modern, evidence based management system for all of Scotland's wild fisheries. I would like to extend my thanks to Andrew Thin and his panel for all the work they have undertaken to produce a thorough and wide-ranging report with over 50 recommendations for change. During the review process more than sixty face to face meetings were held with interested parties, and many more contributed written submissions. I would like to thank all those who contributed to the Wild Fisheries Review and I hope that you will continue to contribute positively to the next phase of the reform project.

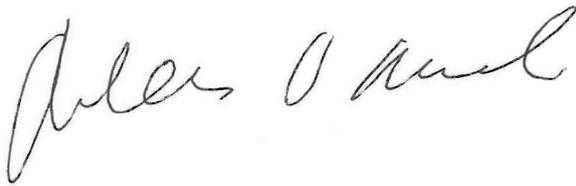
This document sets out the Scottish Government's response to the Wild Fisheries Review, including the fundamental principles which will guide the development of a new management system. The purpose of this consultation is to consider the broad themes arising from the Wild Fisheries Review which should characterise the future management framework.

Scotland's wild fisheries are a valuable natural resource. We need a management framework in place which seeks to conserve them and to harness the potential they have to deliver social and economic benefits to the whole of the country. Decision-making on the basis of evidence must be embedded firmly within that framework, and it has to enable us to account for how we are delivering our obligations and commitments to those in the international community and at home.

We are embarking on a challenging and difficult task. The existing legislation is complex and views are sometimes polarised and held strongly. However, we are doing the right thing in tackling an issue that has been put aside too many times. This consultation on broad policy options for a new management structure will be followed by further consultation on a draft Bill by the end of the current parliamentary session. I believe that we can work together, across the sector and across political parties, to design and deliver a new wild fisheries management system for Scotland that is truly fit for purpose in the 21<sup>st</sup> century.

I am committed to working closely with the sector to deliver reform. We have established an external stakeholder reference group to help inform the development of the broad principles for a new management system through to detailed proposals and new legislation. In addition, there will be many opportunities for people with an interest in wild fisheries to share views and contribute ideas and thinking.

I am clear that we need reform. But I am also clear that in progressing change we must not lose the best elements of the current arrangements. The wild fisheries sector is characterised by considerable voluntary effort and knowledge and experience at a local level. There are many examples of excellent fishery management taking place in Scotland. We understand the need to maintain momentum and investment in the day to day management of fisheries throughout the reform programme. In taking forward the next stages of the process I want to ensure we retain key people and expertise, harness existing good practice, and bring them into the design of the new management system.

A handwritten signature in black ink, appearing to read 'Aileen McLeod', written in a cursive style.

**Dr Aileen McLeod**

Minister for Environment, Climate Change and Land Reform

## Introduction

1. The Scottish Government has a manifesto commitment to support and protect Scotland's famous and valuable salmon and freshwater fisheries and to modernise the management framework. In this paper the term "wild fisheries" should be interpreted as referring to all salmon and freshwater fisheries (including still water fisheries) in addition to those species for which there is a management need, but no current fisheries – i.e. the new management system is as much about the management of species as it is the management of fisheries.

2. The first stage in delivering this commitment was to update the governance of salmon fisheries via the Aquaculture and Fisheries (Scotland) Act 2013. The second stage was to commission an independent Wild Fisheries Review (WFR) to consider the requirements of a modern, evidence based management system for all of Scotland's wild fisheries that is fit for purpose in the 21<sup>st</sup> century. The Review panel, chaired by Andrew Thin, published its report in October 2014 and made 53 recommendations for change<sup>1</sup>. Taken together these recommendations effectively mean a fundamental re-design of the existing system for fishery management. The WFR report is clear that the new management system should build on the strengths of the current system – we agree.

3. We are taking a strategic and co-ordinated approach to Wild Fisheries Reform and to conserving our wild fish populations. This paper sets out the Scottish Government's response to the Wild Fisheries Review and signals the start of the reform programme which will consider the future management structures and issues such as skills and access to fishing opportunities.

4. Separately, but aligned with the reform programme, we are continuing to act under existing legislation to protect and conserve our wild fish populations, notably wild salmon. The WFR report recommended urgent action by the Scottish Government to improve regulation of the killing of Atlantic salmon. We acted quickly to consult separately on proposed conservation measures to introduce a ban on killing wild salmon except under licence, to make associated baits and lures regulations and to introduce carcass tagging to support enforcement of the licensing system. It is hoped that the strengthened regulatory framework will be in place in time for the 2016 season, ensuring that any killing of Atlantic salmon in Scotland is demonstrated to be sustainable.

5. One Scotland: the Government's Programme for Scotland 2014-15<sup>2</sup> commits Scottish Ministers to consult on broad policy options for a new management system (this consultation). This consultation signals the start of the next substantive phase of wild fisheries reform, and is the Government's formal response to the remaining recommendations in the WFR. It will be followed by consultation on a draft Wild Fisheries Bill before the end of the parliamentary session (spring 2016).

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<sup>1</sup> <http://www.gov.scot/Topics/marine/Salmon-Trout-Coarse/fishreview/WFRFinal>

<sup>2</sup> <http://www.gov.scot/Publications/2014/11/6336/downloads>

6. The remainder of this paper is structured as follows:

- Chapter 1 sets out background information relevant to the reform programme
- Chapter 2 sets out the Scottish Government's response to the WFR, including fundamental principles which will guide the development of a new management system and a new national strategy
- Chapters 3 to 10 set out options for progressing a number of themes within the WFR report
- Chapter 11 discusses assessment of the impacts of reform

7. We recognise that fundamental reform of the fisheries management system is a large and complex subject. There is much to be decided and considerable detail to be developed as we move forward. Activities will need to be prioritised and it will not be possible, or desirable, for everything to happen at once. A reference group<sup>3</sup> of external stakeholders has been established to help inform the programme of reform, particularly the legislative elements, and there will be many opportunities for those with views and opinions to share those and contribute. As we move from the current system towards the future management system a transition plan will be developed to ensure effective transition planning and continuity of delivery of fisheries management.

8. Information about the consultation process and how to respond is at Annex A. We anticipate that while some will take an interest in the full programme of reform and the issues to be explored, others may wish to focus attention on particular aspects. We invite comments on any or all parts of this consultation and hope to engage constructively with the full range of interested parties as the reform programme progresses.

9. Specific consultation questions are listed at the end of the main paper and, in addition to responding to these, there is the opportunity to make further remarks and suggestions. A dedicated website for the reform programme has been established on the Scottish Government webpages<sup>4</sup> and will be updated regularly to keep everyone informed of progress and enable contributions to be made. Information about the external stakeholder reference group is available on those pages, including the minutes of meetings.

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<sup>3</sup> <http://www.gov.scot/Topics/marine/Salmon-Trout-Coarse/fishreform/refgroup>

<sup>4</sup> <http://www.gov.scot/Topics/marine/Salmon-Trout-Coarse/fishreform>

## Chapter 1 - Background

10. The reform programme will consider the management of “wild fish and fisheries” – i.e. the new management system is as much about the management of species as it is the management of fisheries.

11. The purpose of Wild Fisheries Reform was set out in the Terms of Reference for the Review:

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

12. The WFR report contains 53 recommendations. Some of these relate to legislative change and the need to establish the new management system and structures in law. However, reformed structures are only part of the equation. There is considerable work to be taken forward administratively and in tandem to deliver a rounded framework for fishery management.

13. In considering the design of a new management system it is important to have regard to the wider landscape and the main issues with the current framework. In addition, there are other issues of relevance to the reform programme such as the conservation obligations for certain species, modern expectations for management of one of Scotland’s valuable natural assets and the nature of ownership of fish and fishing rights.

14. This paper does not seek to provide detailed commentary on what the new system will or should look like. Considerable work is needed, in partnership with stakeholders, to develop detailed proposals and these will be subject to further consultation before the end of the parliamentary session. The purpose of this stage of the process is to set out the fundamental management principles that we consider should guide development and design of the new system at all levels, and to seek views on broad options for taking forward the main themes identified in the WFR report.

15. As stated previously, we have committed to consult on detailed propositions for the structure of the new system. We will do so alongside the draft legislation which would establish the new management system before the end of the current parliamentary session. We will work closely and constructively with interested parties throughout the whole process.

### *Issues with the existing framework*

16. There have been a number of reviews of management conducted over the last 50 years and there has been a high degree of consistency in the recommended actions. While there have been incremental adjustments to the management framework over the years coupled by organisational changes on the ground led by

the sector, there remain structural weaknesses in the system in its entirety. The WFR recommended change to address such weaknesses in order to broaden the focus to include all fisheries species, ensure that management is scientifically sound and to strengthen democratic accountability.

### *Conservation obligations*

17. Certain of the fish species present in Scottish waters (and their habitats) are protected under international and European law. Appropriate management and conservation of these species is therefore not merely a matter of good husbandry but a legal requirement. Atlantic Salmon are protected under the Habitats Directive and via the NASCO Convention; other species have similar levels of protection, notably lamprey and eels. Scottish Ministers have responsibility for meeting these conservation obligations, and the requirement to do so and to demonstrate such must similarly guide the development of the new wild fisheries management framework. The system must also be capable of responding to potential future changes in conservation policy and legislation.

### *Management of a public resource*

18. While rights to fish are held as property rights, or ancillary rights, the fish themselves are a public resource and belong to no-one until they are caught. The Scottish Government has an important role in terms of ensuring the public resource is managed appropriately on behalf of the people of Scotland. The Government is accountable for the management of wild fisheries in Scotland, including fulfilment of international and EU obligations, national policy and ensuring the effectiveness of the system as a whole to deliver fishery management. This needs to be recognised within the new system and mechanisms included to ensure that, in a decentralised system, there is democratic and congruent accountability.

### *Fishing rights*

19. Fishing rights for some species are held as private property rights separate from land while in other cases they form part of a land holding. This unique pattern of ownership means there are large numbers of proprietors in Scotland. In some cases more than one person may hold the rights to fish in certain locations. The roles and responsibilities of individual proprietors will need to be considered carefully as part of the design of the new system. The WFR report did not recommend change to the pattern of ownership of fishing rights in Scotland, noting that what is important is the sustainable management of fish and fisheries to optimise public value. In common with the need to ensure democratic accountability, we also recognise the need for a decentralised and locally empowered system to ensure appropriate accountability at a local level. We understand the important role that fishery proprietors play in fishery management and recognise the wish for the role of proprietors to be afforded appropriate weight.

## *Conclusion*

20. As the WFR report recognises, there are some real strengths inherent in our current management arrangements. Therefore, in considering how to address the issues highlighted above, we recognise the importance of retaining a number of key elements of the existing system and build on their strengths; notably the focus on locally-led delivery of fishery management and harnessing the knowledge and enthusiasm of those working within the field. We understand the need to maintain momentum and investment in the day to day management of fisheries throughout the reform programme. We also wish to ensure the retention of key people and expertise within the sector, as we recognise that such expertise will form the foundation of the future management structures. These considerations have similarly informed the fundamental principles set out in Chapter 2.

## Chapter 2 – Scottish Government response

21. The Scottish Government is committed to reforming wild fisheries management. The WFR report contains helpful recommendations to guide the development of a new management system and we intend to work with the sector and all those interested in wild fish and fisheries to take forward a programme of reform.

22. We do not set out to respond to the WFR recommendations individually; rather, we are building our response, and this consultation, around fundamental management principles and key themes emerging from the WFR.

23. The ambition of this project is large. There is considerable scope to shape a new, bespoke approach based on Scotland's needs and aspirations. While some may question the need for this scale of reform, it is important to recognise that with change comes opportunity. This is an issue with a long history of inaction as regards modernisation but it is one which this Scottish Government is committed to taking forward for the benefit of all of Scotland.

### *Fundamental principles for management of wild fisheries*

24. The development of a new system for wild fisheries will require a broad programme of work and decision-making which is prioritised and phased in a logical and sequential order. The starting point is a set of fundamental management principles to guide development, delivery and operation of the new system. These are set out in the box below and have been strongly informed by the report of the WFR.

- All-species management of Scotland's wild fish resources to deliver maximum environmental, economic and social outcomes\*
- Delivery of local, national and international objectives
- Alignment of responsibility and accountability for national and international obligations throughout the system
- National strategy drives activity by optimally-sized local fishery management organisations
- Clear differentiation of roles and responsibilities at national and local levels
- A system which is responsive and flexible, able to adapt to changes and differences within the delivery landscape and in relation to the many and varied impacts and pressures on fish and fisheries
- Governance framework that addresses consistency and transparency of management rigour, standards, finance, democratic reporting and accountability.
- Supported by a regulatory system which is robust, proportionate and consistent
- Evidence-based decision-making, taking account of the best available knowledge and science, supported by a national data and research strategy
- A skilled and professional sector, which harnesses voluntary effort and enthusiasm, and provides opportunities to enter the profession and advance
- Focused on widening participation and promoting opportunity
- All developed through an inclusive, consultative, plan-led process.

\*Examples of environmental, economic and social outcomes are provided in the table below:

Environmental	<ul style="list-style-type: none"> <li>• Good conservation status</li> <li>• Improved habitat</li> <li>• Thriving fish populations</li> </ul>
Economic	<ul style="list-style-type: none"> <li>• Thriving fisheries</li> <li>• Thriving tourism and supply chain businesses</li> <li>• Affordable demands on the public purse</li> </ul>
Social	<ul style="list-style-type: none"> <li>• Stable or growing participation rates</li> <li>• Improving skills and employment</li> <li>• Continuing public confidence in the system</li> </ul>

25. The WFR report is clear that the new management system should build on the strengths of the current system. We recognise the importance of retaining a number of key elements of the existing system, notably the focus on locally-led delivery of fishery management and harnessing the knowledge and enthusiasm of those working within the field. We wish to ensure the retention of key people and expertise within the sector, as we recognise that such expertise will form the foundation of the future management structures. We also understand the need to maintain momentum and investment in the day to day management of fisheries throughout the reform programme.

26. Chapters 3 to 10 of this paper discuss options and seek views on specific elements of the new system based on these fundamental management principles and themes. The intention is that the principles provide a central foundation upon which the detail of the new system can be built and against which options can be tested. Respondents are invited to consider these principles in making their response.

#### *Parallel workstreams*

27. As noted above, the reform programme is not all about new legislation. At the same time as taking forward work to consider and develop the detail of the structures and legislation for the new management system we will progress a programme of workstreams. These will provide a package of action to take forward wild fisheries reform and are set out below.

#### *National Strategy*

28. The reform programme will build on current and previous work by Government and stakeholders to promote professional, evidence-based management of wild fisheries. The WFR report is clear that stronger strategic leadership is required in this area and proposes the development of a national strategy for wild fisheries which sets out a clear vision and aligns fish and fishery priorities with related strategic objectives at a national level, notably tourism, bio-diversity, social inclusion etc. Also proposed is a national research and data strategy as a framework to ensure fisheries management is based on sound science.

Together these documents would provide strategic direction and a transparent account of actions necessary to deliver environmental, social and economic outcomes at national and local levels.

29. The Scottish Government will soon begin work, informed by stakeholders, on the development of a new national strategy for wild fisheries which includes a research and data strategy. Development of a national strategy over the coming months will enable a draft to be available for consideration alongside the draft Wild Fisheries Bill which we will consult upon before the end of the parliamentary session. The availability of a draft strategy at that point will aid understanding and discussion of national priorities for fishery management and therefore understanding of the potential future balance of roles at a national and local level. The strategy will include actions relating to specific areas recommended in the WFR report, notably widening access to fishing opportunities and promoting the activity among young people.

#### *Skills and training*

30. The WFR report recommends the development of training and continuous professional development across a range of priority areas and notes the potential role for the Institute of Fisheries Management and other relevant organisations in this area. Identification and development of skill sets required for fisheries management along with continuous professional development is an important area to progress now, consistent with our wish to ensure the retention of key people and expertise within the sector. We have therefore invited the Institute of Fisheries Management to lead a workstream to take forward this element of the reform programme.

#### *Sustainable harvesting – wild salmon*

31. As noted above, the WFR report recommended urgent action by the Scottish Government to improve the regulation of killing of Atlantic salmon and we acted quickly to consult on proposed conservation measures to introduce a ban on killing wild salmon except under licence, make associated baits and lures regulations and introduce carcass tagging to support enforcement of the licensing system. It is hoped that the strengthened regulatory framework will be in place in time for the 2016 season, ensuring that any harvesting of Atlantic salmon in Scotland is demonstrated to be sustainable.

## **Chapter 3 - Roles and responsibilities at national and local levels**

### *National Unit*

32. The WFR recommended the establishment of a national unit within Government to fulfil national functions. We agree and in line with the principle that form should follow function will consider the appropriate composition, leadership and location of the national unit within Government after we have heard views, and made decisions, about the functions which it should undertake.

### *Balance of roles and responsibilities*

33. The new management system must have an appropriate balance in the roles and responsibilities at national and local level; further, that balance should be clearly understood in order to promote strong joint-working and clear accountability and to minimise potential for conflict. The WFR report discusses the functions which might best be delivered at each level, and this chapter of the consultation seeks views on that balance, and on the relationship between the two management levels.

34. Scottish Ministers have international, European and domestic obligations in relation to wild fisheries. Many of these obligations are set out in law; others relate to the development and delivery of policy. The management system for wild fisheries in Scotland needs to be capable of ensuring these obligations are met, and are seen to be being met. As discussed in the WFR report, this does not mean that Ministers should seek to micro-manage from the centre; rather, building on the strengths inherent in local management a two-tier management system is proposed which combines national leadership, strategic focus, co-ordination and regulation with locally-driven delivery by a network of local fishery management organisations. We consider this approach provides a means by which national and local outcomes can be pursued and should be central to the new system.

35. Table 1 below sets out proposed main functions of the national and local management bodies. The list is not exhaustive but intended to give an indication of the balance between the roles and responsibilities which are likely to be required at local and national level.

**Q1. Do you agree with the balance of functions as set out in Table 1?**

**Q2. Do you consider that any main functions are missing? If so, please state what these are. Do you think that any of these functions might be best fulfilled at a different level?**

Table 1: Proposed main functions of the national and local management bodies

<b>National functions</b>	<b>Local functions</b>
<ul style="list-style-type: none"> <li>• Advising Ministers on wild fisheries management</li> <li>• Develop and regularly review a national strategy, including a research and data strategy</li> <li>• Resourcing of local fishery management organisations to deliver national management priorities</li> <li>• Securing effective, consistent delivery, through local fishery management organisations, of national management priorities</li> <li>• Facilitating effective delivery by fishery management organisations of local management priorities</li> <li>• Reporting publicly on wild fisheries management outcomes against national and international management objectives</li> <li>• Ensuring accountable regulation, including fulfilling licensing obligations, of wild fisheries management.</li> </ul>	<ul style="list-style-type: none"> <li>• Delivering national priorities (including science and data priorities) at a local level</li> <li>• Advising stakeholders and Ministers on matters relating to wild fisheries management</li> <li>• Identifying and delivering local management priorities</li> <li>• Raising resources other than those provided via Scottish Ministers</li> <li>• Reporting publically on outcomes at a local level</li> <li>• Building cross-sectoral partnerships</li> <li>• Facilitating participation in fishing and fisheries</li> </ul>

## Chapter 4 - Local management bodies

36. The fundamental principles set out our intention to create a wild fishery management system which enables delivery of local, national and international priorities by local management bodies in a way which fosters local knowledge and reflects the landscape in different parts of the country. National and international priorities need to be delivered consistently across the whole of Scotland and in a way which facilitates transparent reporting and appropriate accountabilities for activity. However, in tandem, local management bodies need to have sufficient flexibility to determine local priorities and to develop innovative local delivery which best fits local circumstance.

37. As set out in chapter 3, any decentralised management system requires a clear understanding of the respective roles and responsibilities at a national and local level. The mechanisms for accountability should be set within an appropriate management framework within which activity is planned, delivered and reported. The WFR report proposed a plan-led approach, whereby a formal national strategy will provide strategic direction and better integration with wider cross-cutting agendas. This would enable a programme of work on wild fisheries to be developed and delivered at a national and local level, with responsibility for actions clearly identified and mechanisms established to monitor progress and report outcomes.

### ***Proposal for local management bodies***

#### *Constitution*

38. A number of options for the legal constitution of the local management bodies (referred to for the purposes of the remainder of this paper as FMOs) were identified in the WFR report, including statutory, charitable or private association bodies. In choosing which is the most appropriate it is important to consider the need to ensure a public interest focus within the management system and the limitations as well as the attractions of each model. While some may wish to see FMOs as statutory bodies the democratic accountabilities, responsibilities and oversight required for this type of body need to be considered. Equally, private companies or associations may not be best placed to deliver public interest objectives.

39. The WFR makes specific reference to FMOs being constituted as Scottish Charitable Incorporated Organisations (SCIOs), rather than as fully constituted charitable companies, although the report notes that either would be appropriate. Detailed information is available on the OSCR website<sup>5</sup>, but in summary:

- The Scottish Charitable Incorporated Organisation is a legal form unique to Scottish charities and is able to enter into contracts, employ staff, incur debts, own property, sue and be sued. Like a charitable company, it provides a high degree of protection for trustees against liability.
- The SCIO also differs from other charities which are companies in that its existence is dependent upon its charitable status. The SCIO becomes a legal entity only when it is entered in the Register and ceases to exist if it is

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<sup>5</sup> <http://www.oscr.org.uk/charities/becoming-a-charity/scio>

removed from the Register. The SCIO cannot choose to convert to another legal form, cannot amalgamate with a body which is not a SCIO and cannot seek removal from the Register other than by dissolving itself.

- It is possible to change to an SCIO from another form of charity.
- Companies that are also charities must comply with company law as well as charity law. SCIOs report only to OSCR.

40. We agree with the WFR panel that constitution of FMOs as charitable bodies has significant attraction. There are a number of advantages to this model not least the ability of bodies to retain a unique local character, spirit of voluntarism and sense of ownership. We also consider that charitable status is compatible with the delivery of local fishery management functions, including enforcement functions.

**Q3. Do you agree that FMOs should be charitable bodies?**

**Q4. Do you have any comments about the WFR's view that FMOs should be Scottish Charitable Incorporated Organisations rather than charitable companies?**

#### *Membership & Governance of FMOs*

41. In line with the principles of widening access, multi-species management and delivery of environmental, economic and social outcomes we also agree with the WFR report that FMOs should be membership bodies representing the full range of interests in wild fisheries and their management at a local level, including local authority and other public sector interests in addition to the owners and users of fishing rights. We agree with the WFR report that this should be underpinned by the development of a model constitution for FMOs to ensure appropriate governance and balance of interests, notably at board level.

**Q5. Do you agree that in order to ensure appropriate governance and fitness for purpose, FMOs should operate to a model constitution?**

**Q6. What do you consider is an appropriate balance of interests on the board and wider membership of FMOs?**

#### *Approved Body Status*

42. We envisage FMOs as a network of local management bodies which express interest in working under the national unit to deliver both the national strategy and a range of agreed local fishery management objectives.

43. The WFR report recommends that FMOs seek approved body status from the national unit in order to become a nominated local delivery body for the national strategy and to receive funding to deliver a fishery management plan. The process of conferring approved body status will provide assurance of the delivery bodies' capacity, competence, accountability and transparency. The concept of approved body status is a helpful mechanism through which fitness for purpose can be assessed, with appropriate monitoring and reporting delivered through the plan-led approach set out in paragraphs 44-45.

**Q7. Do you agree that bodies wishing to become FMOs should do so through seeking approved body status from Scottish Ministers?**

*Plan-led approach*

44. The next stage would be for Scottish Ministers to invite “approved local bodies” to develop local fishery management plans setting out (a) how the national strategy will be delivered at local level; and (b) the additional local management priorities for action. Plans would be subject to local consultation prior to submission to the national body for approval; it is anticipated that, within a 3 year framework agreement (3 years being consistent with other business planning and funding cycles), business plans would be updated on an annual basis and be linked to funding from the national unit.

45. As stated in Chapter 2, the development of the national strategy will be an inclusive, consultative process. The suggested approach to delivery of strategic outcomes is common within the public sector and will build on fishery management planning processes. Within the system there would be a responsibility at a national level to promote consistent outcomes, standards and methodologies through best practice co-ordination. This system would enable Ministers to have confidence that national and international objectives for fishery management are being delivered at a local level, enabling them to report on their obligations to the public and to the EU and NASCO. It would enable local bodies to work flexibly within a set framework to deliver fishery management objectives in their areas, including locally agreed priorities.

**Q8. Do you agree that the cornerstone of the relationship between national and local management bodies should be the proposed plan-led approach? If not, why not?**

46. The proposals discussed above relating to the constitution and governance of local management bodies, together with a plan-based approach, should not be viewed in isolation but rather are a package which taken together provide a framework to help deliver national and local fishery management priorities in a consistent and accountable way. We consider that this is a design which provides appropriate safeguards and is consistent with a decentralised and locally empowered delivery model.

**Q9. Do you agree that the proposed package of measures in terms of constitution, governance and a plan-based approach provides an appropriate framework for decentralised delivery of fishery management functions?**

*Geographic coverage*

47. The WFR did not make recommendations as to the number of FMOs in any new structure, but it is clear that FMOs will need to be of sufficient size and capacity to deliver the functions expected of them and achieve economies of scale sometimes lacking within the existing structure. There will be a need to retain local knowledge and buy-in from the membership and ensure that the delivery area is appropriate in

terms of physical geography; equally, there needs to be critical mass in terms of staffing to deliver fishery management plans and operate the organisations.

48. Scottish Ministers' obligations on wild fish and fisheries extend to the whole country; it therefore follows that the system of local delivery – the FMO network – should extend to the whole country (all of Scotland including the Tweed District (including those parts of the Tweed that are geographically in England) but excluding the Border River Esk which is managed by the Environment Agency). We are aware that there are areas of Scotland not currently covered by a DSFB or a fisheries trust and acknowledge that in some parts of the country there has been little appetite to follow that particular model of management. However, gaps in coverage present risks to the delivery of the national strategy and therefore to national and international objectives and responsibilities. In such a case Scottish Ministers, via the national unit, would need to be able to step in to deliver fishery management in these areas. This would undermine the concept of decentralisation and local delivery and would divert attention and resource away from delivery of national functions and roles. We wish to minimise this confusion of roles and design a system which looks to achieve full decentralised delivery.

**Q10. Do you agree that the FMO network should cover the whole of Scotland?**

49. The WFR report envisages FMO areas emerging through discussion between the national unit and local stakeholders. In line with the proposal to ensure coverage across the country, we think that Scottish Ministers should develop proposals for a network of FMOs which achieves an appropriate balance of economies of scale with locally-based organisations. The need to ensure optimum scale in terms of geography and resourcing is key; there is potential to integrate fishery management with wider catchment management frameworks, specifically in response to the EU Water Framework Directive. In this context, Scottish Ministers, following discussion with stakeholders, would suggest boundaries for FMOs and invite interest from those wishing to fulfil functions in those areas through becoming approved bodies.

**Q11. Do you agree that Scottish Ministers, following discussion with stakeholders, should set out the boundaries of FMO areas?**

**Q12. What factors should be considered in determining the number and optimal coverage of FMOs?**

*Analogous interests*

50. In response to the WFR and its recommendations for FMO delivery bodies, some have asked whether there is potential for a body approved as an FMO to perform non-fisheries but analogous activities in line with wider eco-system and related land management. We consider that the principal purpose of a FMO should be to deliver fisheries management, and that its constitution should reflect this purpose. However, we also recognise that the health of the fishery is linked to the wider management of land within the catchment and that there may be opportunities to align delivery of related work where this is desirable. Examples include biodiversity benefits, land management and flood risk management. In many cases we would expect that there would be synergies between these wider issues and the

specific needs of fisheries (e.g. habitat improvement schemes); consideration by the FMOs may also provide an opportunity to consider and resolve possible competing interests.

**Q13. Do you agree that bodies designated as FMOs should be able to deliver analogous work on behalf of local or national interests?**

**Q14. Are there any potential conflicts of interest in this approach?**

## **Chapter 5 - Resourcing wild fisheries management**

51. The WFR considered the issue of how wild fisheries management should be funded and proposed retention – and widening – of the salmon levy as the main means through which the national strategy should be delivered at a local level. Owners of fishing rights are able to derive an economic gain through exploitation of a natural resource; it is therefore appropriate that the beneficiary of the resource makes a substantial contribution to its management. The proposal to widen the levy to include freshwater fisheries with significant potential commercial value aligns with the principle of all-species management and we consider that the costs and benefits of this proposal should be explored.

**Q15. Do you agree that funding raised from proprietors should continue to provide the core strand of revenue for local fishery management?**

**Q16. Do you agree that we should explore the potential for extending the responsibility for paying the levy to the owners of all fishing rights?**

52. In order to derive economies of scale and ensure appropriate levels of democratic control, accountability and scrutiny the WFR recommended that responsibility for collecting the levy, and distributing it to FMOs as part of a plan-led approach to delivery, should rest with the national unit. We believe that the new system should proceed on this basis.

**Q17. Do you agree that responsibility for collecting and distributing resources from fisheries proprietors for the purpose of delivering the national strategy at a local level should rest with the national unit?**

53. Collection at the centre would bring the ability, if necessary, to redistribute funding to ensure consistent delivery of fisheries management across the country. The general principle of redistribution is already a feature of the salmon levy system: a number of DSFBs cover several rivers and therefore the principles of prioritisation and cross-subsidising – albeit at a smaller scale – are established.

54. The scale of any redistribution cannot be predicted with accuracy until the FMO boundaries are identified and the resources available from within them calculated. However, if there is to be redistribution, it should be informed by the priorities of the national strategy and used to ensure delivery across the whole country in line with public value.

**Q18. Do you agree that we should explore the recommendation that redistribution of funds should form part of the new management system?**

**Q19. If not, what other means might be used for funding local fisheries management at appropriate levels across the country?**

### *Standard and locally enhanced levy*

55. The WFR report suggests a two-tier levy system with a standard rate set by Scottish Ministers which applies to all fisheries regardless of location, coupled with the ability of a local FMO to apply for an add-on local rate applicable to the fisheries in their area to fund local priorities not covered by work on the national strategy. The WFR report did not envisage that redistribution would apply to the local rate.

56. This mechanism would introduce an element of flexibility into the funding system to enable additional resources to be levied for local priorities. The ability to deliver this two-tier system and the administration required to do so will need to be fully explored; in the meantime, views are sought on the principle of the recommendations.

### **Q20. Do you agree that we should explore the recommendation for a two-tier levy system?**

#### *Charitable, public sector and other sources of funding for fishery management*

57. It should be noted that there is no intention that the levy replace the various strands of public sector project funding available to the sector. Resources are made available through bodies such as SEPA, SNH and Marine Scotland for a range of work which contributes directly or indirectly to fisheries outcomes; future budgets permitting this would continue to be the case. The national strategy for wild fisheries would also provide a helpful context to consider the relationship between these funding streams and their optimum use in support of that strategy.

58. A key benefit of FMOs being constituted as charitable bodies is anticipated to be their ability to harness the considerable voluntary and charitable support which exists for and within the fisheries sector. It is envisaged that FMOs will be able to garner support from various potential partners, including EU project funding, donations and support in kind, in addition to core funding through the levy. There are considerable levels of this type of support within the current system and we must take care when moving to the new one that these are not lost. We agree with the WFR panel that the skill sets of FMOs should reflect the ability to multiply up the core resources received, including the leadership, project management and governance of activities resourced through charitable funding.

## Chapter 6 - Sustainable harvesting

59. The WFR report recommended that Ministers should have appropriate powers to regulate the killing of particular species of fish to ensure that harvesting is sustainable.

60. Appropriate mechanisms to ensure that the exploitation of wild fish resources is sustainable should be central to any fishery management system. Sustainable fish populations are the foundation for the operation of any fishery in order to derive benefit from the resource. Some species of wild fish have protection in international and EU law and Scottish Ministers have legal obligations to protect these species and their habitats. It is therefore important that the management system is compatible with these obligations and the precautionary principle is embedded within it. These regulatory requirements exist regardless of the status of the stock in any given year or in any particular river: there must be a lever to control exploitation when stock status gives cause for concern; even when there appears to be no cause for concern there are legal requirements for some species to demonstrate that exploitation is sustainable; it is not sufficient to rely on the absence of evidence that it is not.

61. The fundamental principles of management set out in chapter 2 confirm that Scotland's new fishery management system will take an all-species approach. A number of fish species have protected status and the system must have the flexibility to cope with any future changes to protected status. Some species are of particular importance in some parts of the country, and it is not possible to predict the future health of stocks given the many and varied factors which can place populations under pressure. Given this landscape, we consider that it is appropriate for powers to be available to Scottish Ministers to control exploitation of any of Scotland's wild fish species. While these powers should be flexible in order to respond to particular circumstances, we believe that their purpose should be restricted to the conservation and protection of fish stocks. The current legislative framework provides some powers to Ministers to act in certain circumstances, but requires modernisation to aid the delivery of national measures and is not fully aligned with application of the precautionary principle.

**Q21. Do you agree that Ministers should have powers to control killing of all fish species on the grounds of conservation and be able to do so in line with the precautionary principle?**

**Q22. If not, what other mechanisms should exist in order to ensure a flexible regulatory system which can ensure delivery of legal obligations and policy priorities for management of species and is capable of responding to future changes?**

62. The report also included a recommendation to address instances of reckless or irresponsible exercise of fishing rights. This recommendation has attracted comment since publication, mainly in terms of the ability to identify clearly the types of behaviour that might be regarded as reckless or irresponsible and the burden attached to producing sufficient evidence to support a prosecution. We do not intend to progress this recommendation: we think that the structure of a new fisheries

management system set out above, combined with powers to regulate the killing of all species of fish, are sufficient in themselves to address the issues behind this recommendation.

**Q23. Do you agree that, in the context of the wider proposals in this paper, the creation of an offence of reckless or irresponsible exercise of fishing rights should not be pursued?**

## Chapter 7 - Science and skills

63. Fisheries management and regulation should be based on sound science. As noted in the WFR report, considerable effort has been made by many parties to embed evidence-based decision making and to develop our shared scientific understanding. Work has been undertaken to improve collaboration, raise standards and promote best practice and skills development.

64. The WFR report recommends the development of a national research and data strategy to ensure that data collection priorities and processes are clearly defined and prioritised in line with management objectives. As outlined in paragraphs 28-29, we will begin work to develop a national research and data strategy as part of the national wild fisheries strategy. The WFR report lists projects which are recommended as priorities in the short to medium term. Work is already underway in relation to some of these areas; the topics identified will be considered further in the context of developing a draft strategy. The issue of Citizen Science and its potential to support fisheries management will also be considered as part of the process of developing the strategy.

65. Science and research on fish and fisheries is currently carried out by a number of different bodies in Scotland at both national and local level. We are aware that there are concerns among some local bodies about the potential loss of this role in any future management system. We consider that there is a clear role for local fishery management organisations to help deliver the national research and data strategy via the fishery management planning process. It will be important that this is achieved within a framework of consistent methodologies and standards. Work is already underway which would help frame such standards, including existing standards developed by the Scottish Fisheries Coordination Centre and the Institute of Fisheries Management.

**Q24. Do you agree that data collection priorities and processes for fisheries management at a local and national level should be predicated on a consistent approach and that this should be via a national research and data strategy?**

**Q25. Do you have any suggestions for additional means to ensure that evidence-based decision making is embedded within the fisheries management system?**

### *Skills*

66. The WFR report highlighted the importance of those working at all levels within the sector having appropriate skills. The report listed a series of priorities and recommended that the national unit, working with the Institute of Fisheries Management and other suitable organisations, should ensure effective training and CPD availability for all decision-makers in the system.

67. We agree with the WFR's recommendation on this topic and have asked the Institute of Fisheries Management, with support from Scottish Government, to lead a workstream to develop training and CPD programmes for the sector. These will include the priorities identified in the report:

- 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.

**Q26. Do you have any suggestions for additional skills areas which might usefully be covered in training and CPD programmes?**

## Chapter 8 – Regulation

68. At its core, the purpose of a management system is to protect fish and fisheries, with a key focus on conservation. The fundamental principles for management set out in chapter 2 state that regulation should be robust, proportionate and consistent (including consistency with an all species approach).

69. Existing regulation has evolved in a piecemeal manner over the course of many decades with the result is that it is complex, inconsistent, becoming increasingly difficult to enforce, often not based on robust or current evidence/science and does not reflect the policy and legislative framework of the 21<sup>st</sup> century.

70. As part of this fundamental reform we want to explore from first principles the management mechanisms which are appropriate for the future, particularly in the context of changes in fishing practices, proposed conservation measures such as the kill licence and the development of new management structures.

### *Annual and weekly close times*

71. The purpose of close periods is to give a period of rest to species at particular points in their lifecycle, notably spawning. The current system deals principally with salmonids over other species and is based in part on custom. Annual close times vary across the country and can only be changed through secondary legislation; rod and line fishing is permitted during certain parts of the annual close time. Weekly close times are uniform across the country and prohibit fishing for salmon on a Sunday; in addition, net fisheries are required to cease from 6pm on a Friday until 6am on a Monday.

72. The WFR recommended retention of annual close times for salmonids with a review to ensure they are evidenced by the best available science and able to support socio-economic outcomes in the area. Further, extension to all species is suggested (where science suggests this is necessary) and the links with related developments in regulation (notably licensing the killing of fish species) considered.

73. The WFR recommended the abolition of the weekly close times except with regard to certain interceptor coastal and estuarine nets for salmon and sea trout where there is scientific evidence to support the need for closure. It further recommended that, where closure is required, this should be informed by science and linked to licensed killing.

74. The Government believes that both annual and weekly close times are best considered at a local level by the approved local management body, taking account of the national strategy, local circumstances, the agreed fisheries management plan and the best available science. Rather than pre-empt this local management consideration, we propose that the existing close time restrictions be retained until such time as the approved body for each FMO area has considered the issue, taking into account local fisheries management plans and the new fisheries management system in its entirety.

**Q27. Do you agree that annual and weekly close times should remain a key part of the management system for wild fisheries?**

**Q28. Do you agree that the proposed local management organisations should have responsibility for considering such close times in line with the national strategy and the local fisheries management plan?**

*Rights to fish and Protection Orders*

75. The purpose of Protection Orders (POs) is to secure responsible access to sustainable fishing for non-salmonid species. The WFR discussed the issues of protection of the different rights to fish in Scotland and the Protection Order system. It noted that salmonid species have protection of the criminal law while other species have protection of the civil law. The review did not recommend a change to this inconsistency in legal protection, but did recommend a review and reform of the Protection Order system in order to ensure it is in line with its purpose.

76. In the context of this fundamental reform of the management system, the Government questions whether POs are necessary at all. Similar to the recommendation on creating an offence of reckless or irresponsible exercise of fishing rights we think that the structure of a new fisheries management system could be sufficient in itself to secure responsible access to sustainable fishing for non-salmonid species. The legislative framework could provide equal protection for salmonid and non-salmonid fish species, the national strategy could establish the principles required, and the local management plans could deliver them. This would bring consistency in the application of the fundamental management principles - notably all species management, consistent regulation across Scotland, and promoting opportunity and sustainable fisheries.

**Q29. Do you agree that the purpose behind Protection Orders can be achieved via the design of the new management system in line with the fundamental principles set out in chapter 2?**

## Chapter 9 - Compliance

77. The WFR report recommended retention of the existing bailiffing system for enforcement of wild fisheries legislation but with warrants issued by the national unit to ensure democratic control and subject to appropriate training, qualifications, CPD and complaints procedures being put in place. The report suggested that employment of bailiffs remain at a local level but that, once warranted, they be able to work anywhere in Scotland.

78. Effective and consistent enforcement of fisheries legislation will be a key component of the management system. There is potential, particularly in the context of proposals for licensed killing of salmon, for greater enforcement activity to ensure that the new regulatory framework is adhered to. The role of bailiffs has changed somewhat in recent years with many working closely with Police Scotland through wildlife crime officers. In some areas bailiffs also perform wider duties including habitat restoration and it may be appropriate, in the light of the potential for greater enforcement activity in future, to consider the core functions necessary to enforce the regulatory system which is developed.

79. We agree with the recommendations of the WFR that the system of enforcement through water bailiffs should be retained but changes made to introduce democratic control over warranting and ensure appropriate scrutiny, accountability and complaints procedures. We consider that bailiffs should continue to be employed at a local level but be free to seek employment anywhere in Scotland once warranted.

80. The system of water bailiffs is unusual in terms of law enforcement but it does provide a strong element of local knowledge and experience in a specialist area of law. Anyone exercising powers under the law must do so within a framework which has appropriate training, along with checks and balances embedded to ensure accountability for use of that power. Training and CPD for bailiffs is a key component of the parallel workstream being taken forward by IFM, and has the linked potential to ensure retention of key expertise and personnel in fisheries management.

**Q30. Do you agree that the principles of the existing bailiffing system should be retained, but with amendment to set compliance within an appropriate framework of accountability with warrants issued by the national unit?**

**Q31. Are there other mechanisms for enforcing fisheries legislation that should be considered?**

## Chapter 10 - Opportunities and access

### *Leadership within the angling sector*

81. The WFR report recognised that the wild fisheries sector is fragmented compared with other sectors and recommended that Government should give strong encouragement to the main membership bodies with an interest in angling to reach agreement on a single formal lead body to speak on behalf of recreational fishing in Scotland. The WFR introduced the concept of a federated structure built around a shared ambition and aspiration.

82. The body would allow anglers to speak with a single voice, enabling improved communication with a range of national institutions to promote the activity, including with SportScotland, National Lottery bodies and other grant-giving bodies. This type of development has been seen elsewhere in the UK and we wish to explore the potential for it to happen in Scotland. We believe that such leadership, allowing the sector to talk with a collective voice, can help to provide the foundation from which widening opportunities and access can best be achieved.

**Q32. Do you consider that there are advantages in the bodies involved in recreational fishing being able to come together to speak through one lead body?**

**Q33. If so, do you have views on how this could be facilitated and in what timescale?**

### *Widening Opportunities and Access*

83. Widening access and promoting opportunity is one of the fundamental principles of a new modern management system set out in chapter 2. Wild fish are a public resource with considerable actual and potential value and can make a significant contribution to social and economic, as well as environmental, outcomes.

84. There are many strong examples of projects and initiatives taken forward by the sector, sometimes supported by public funding, to widen access to fish and fisheries for all in Scottish society, particularly for young people and women who are currently under-represented in the sector. Some of the best-known of these focus on working with schools to promote interest in fish and environmental issues. Others have delivered qualifications to help improve career opportunities and develop the sport of fishing. Some Boards and Trusts have contributed to or developed their own fishing information portals or access schemes in recent years to help market low cost fishing, particularly in areas which are under-fished or where habitat has recently become available. There is potential to build on all of this work, assessing what has been most efficient and effective, and share lessons across the country.

85. The value of wild fisheries in tourism terms is also significant, particularly in certain parts of the country and for certain species. The Scottish Government has recently contracted an independent company to update work undertaken in 2004 on the value of all wild fisheries in Scotland. This will provide up to date information on

the value of one of Scotland's natural resources and help inform the development of policy in the future. The work is scheduled to be complete early in the summer.

86. We consider that actions to promote opportunities and access to fishing should be considered as a key theme of the forthcoming national strategy for wild fisheries and appropriate input to that strategy sought from VisitScotland and SportScotland in addition to that from the sector itself.

**Q34. Do you agree that promotion of opportunities and access should be a central theme for the national strategy?**

**Q35. We are interested to hear views on how increasing opportunities and access to fishing can be embedded within the fisheries management system.**

### *Angling for All*

87. The WFR noted the potential to derive greater social and economic benefits from angling in Scotland, particularly from coarse fish species and among a younger profile. It recommended that the angling representative bodies, with support from Scottish Government, come together to develop a new programme designed to grow participation in the activity as a whole: Angling for All. Central to the development of an Angling for All programme is the leadership issue identified above. We believe that this is an important precursor to the development of an effective Angling for All programme which takes an inclusive, all species approach.

88. There is a clear passion among anglers for angling and the need to ensure it has a future for generations to come. There is also a clear concern about the lack of young people coming into the sport, jeopardising its future; gender profile is a further issue which merits consideration, as is the potential for meaningful social and economic benefits that the activity can bring to individuals and the country as a whole.

89. The WFR report recommended that funding for Angling for All would come from a rod licence, and a key part of the programme would be access to high quality information about how, where and when it is possible to fish in Scotland.

90. Scottish Ministers have an existing policy not to introduce rod licensing in Scotland. The issue attracts considerable comment and views are highly mixed; there are a number of advantages for and against but a consistent view is that, if introduced, funding from a rod licence should be transparently used for a clear purpose, and it should be designed in a way which does not discourage participation in the sport, particularly from young people.

**Q36. Do you support the concept of the angling sector coming together to develop a programme for development of angling (Angling for All), including an emphasis on opportunities for young people and promoting social and economic benefits?**

**Q37. Should funding for Angling for All come from a rod licence? If not, where should resources be found to support the programme?**

**Q38. Do you agree that a rod licence should only be used to fund Angling for All, rather than also being used to support wider management activity?**

## **Chapter 11 - Assessing impact**

91. Scottish Ministers recognise that the recommendations arising from the WFR effectively mean a fundamental re-design of the existing system for fishery management and therefore it is important in developing the policy that the impacts are identified correctly.

92. This consultation primarily seeks views on the broad policy options for a new management system. There will be a further consultation on a draft Wild Fisheries Bill and wild fisheries strategy before the end of the parliamentary session (spring 2016). The policy can be expected to have impacts on the environment, on businesses involved in salmon fishing and on individuals who fish or provide services to those who do. As we move from the current system towards the future management system a transition plan will be developed to ensure effective transition planning and continuity of delivery of fisheries management.

### *Strategic Environmental Assessment*

93. In accordance with the requirements of the Environmental Assessment (Scotland) Act 2005, the broad policy options set out in this consultation have been reviewed against the statutory criteria set out in the Act, to ascertain whether they would be likely to have significant effects on the environment. These policy options focus solely on the institutional and procedural matters that would underpin a new wild fisheries management system. Based on the evaluation against the statutory criteria, the Scottish Government has concluded that they are likely to have no environmental effects. As a result, our view is that SEA is not required at this stage. A pre-screening report to this effect has been submitted to the SEA Gateway and sent to the Consultation Authorities (SNH, SEPA and Historic Environment Scotland).

94. However, the policy options provide the over-arching framework for the draft Wild Fisheries Bill and national wild fisheries strategy. Environmental effects, should they arise, will be more meaningfully and proportionately assessed as part of the consultation on the draft bill and supporting strategies.

### *Business and Regulatory Impact Assessment*

95. The Scottish Government has contracted an independent company to update work undertaken in 2004 on the economic and social value of all of Scotland's wild fisheries. This will provide up to date information on the value of Scotland's wild fish resources and help inform the development of policy in the future.

96. All legislation requires a Business and Regulatory Impact Assessment (BRIA) to be undertaken in order to demonstrate that impacts have been fully explored and decisions made which are informed by the information gathered. The impact is likely to be different on different parts of the sector, and on particular types of business as well as individuals. We intend to consult on a BRIA alongside the consultation on draft legislation and strategy before the end of the Parliamentary session.

97. At this stage we want to invite information on the potential impact of the fisheries reform process for the future BRIA and SEA (if necessary).

## **Consultation Questions**

### **Chapter 3**

- Q1.** Do you agree with the balance of functions as set out in Table 1?
- Q2.** Do you consider that any main functions are missing? If so, please state what these are. Do you think that any of these functions might be best fulfilled at a different level?

### **Chapter 4**

- Q3.** Do you agree that FMOs should be charitable bodies?
- Q4.** Do you have any comments about the WFR's view that FMOs should be Scottish Charitable Incorporated Organisations rather than charitable companies?
- Q5.** Do you agree that in order to ensure appropriate governance and fitness for purpose, FMOs should operate to a model constitution?
- Q6.** What do you consider is an appropriate balance of interests on the board and wider membership of FMOs?
- Q7.** Do you agree that bodies wishing to become FMOs should do so through seeking approved body status from Scottish Ministers?
- Q8.** Do you agree that the cornerstone of the relationship between national and local management bodies should be the proposed plan-led approach? If not, why not?
- Q9.** Do you agree that the proposed package of measures in terms of constitution, governance and a plan-based approach provides an appropriate framework for decentralised delivery of fishery management functions?
- Q10.** Do you agree that the FMO network should cover the whole of Scotland?
- Q11.** Do you agree that Scottish Ministers, following discussion with stakeholders, should set out the boundaries of FMO areas?
- Q12.** What factors should be considered in determining the number and optimal coverage of FMOs?
- Q13.** Do you agree that bodies designated as FMOs should be able to deliver analogous work on behalf of local or national interests?
- Q14.** Are there any potential conflicts of interest in this approach?

## **Chapter 5**

**Q15.** Do you agree that funding raised from proprietors should continue to provide the core strand of revenue for local fishery management?

**Q16.** Do you agree that we should explore the potential for extending the responsibility for paying the levy to the owners of all fishing rights?

**Q17.** Do you agree that responsibility for collecting and distributing resources from fisheries proprietors for the purpose of delivering the national strategy at a local level should rest with the national unit?

**Q18.** Do you agree that we should explore the recommendation that redistribution of funds should form part of the new management system?

**Q19.** If not, what other means might be used for funding local fisheries management at appropriate levels across the country?

**Q20.** Do you agree that we should explore the recommendation for a two-tier levy system?

## **Chapter 6**

**Q21.** Do you agree that Ministers should have powers to control harvesting of all fish species on the grounds of conservation and be able to do so in line with the precautionary principle?

**Q22.** If not, what other mechanisms should exist in order to ensure a flexible regulatory system which can ensure delivery of legal obligations and policy priorities for management of species and is capable of responding to future changes?

**Q23.** Do you agree that, in the context of the wider proposals in this paper, the creation of an offence of reckless or irresponsible exercise of fishing rights should not be pursued?

## **Chapter 7**

**Q24.** Do you agree that data collection priorities and processes for fisheries management at a local and national level should be predicated on a consistent approach and that this should be via a national research and data strategy?

**Q25.** Do you have any suggestions for additional means to ensure that evidence-based decision making is embedded within the fisheries management system?

**Q26.** Do you have any suggestions for additional skills areas which might usefully be covered in training and CPD programmes?

## **Chapter 8**

**Q27.** Do you agree that annual and weekly close times should remain a key part of the management system for wild fisheries?

**Q28.** Do you agree that the proposed local management organisations should have responsibility for considering such close times in line with the national strategy and the local fisheries management plan?

**Q29.** Do you agree that the purpose behind Protection Orders can be achieved via the design of the new management system in line with the fundamental principles set out in chapter 2?

## **Chapter 9**

**Q30.** Do you agree that the principles of the existing bailiffing system should be retained, but with amendment to set compliance within an appropriate framework of accountability with warrants issued by the national unit?

**Q31.** Are there other mechanisms for enforcing fisheries legislation that should be considered?

## **Chapter 10**

**Q32.** Do you consider that there are advantages in the bodies involved in recreational fishing being able to come together to speak through one lead body?

**Q33.** If so, do you have views on how this could be facilitated and in what timescale?

**Q34.** Do you agree that promotion of opportunities and access should be a central theme for the national strategy?

**Q35.** We are interested to hear views on how increasing opportunities and access to fishing can be embedded within the fisheries management system.

**Q36.** Do you support the concept of the angling sector coming together to develop a programme for development of angling (Angling for All), including an emphasis on opportunities for young people and promoting social and economic benefits?

**Q37.** Should funding for Angling for All come from a rod licence? If not, where should resources be found to support the programme?

**Q38.** Do you agree that a rod licence should only be used to fund Angling for All, rather than also being used to support wider management activity?

## **Annex A – Responding to this consultation paper**

We are inviting written responses to this consultation paper by 7 August 2015. Please send your response with the completed Respondent Information Form to:

[wildfisheriesreform@scotland.gsi.gov.uk](mailto:wildfisheriesreform@scotland.gsi.gov.uk)

or

Wild Fisheries Reform  
Area 1-B North, Victoria Quay, Edinburgh, EH6 6QQ.

If you have any queries or require further information about the consultation please contact Alan Wells on 0131 244 7061 or [wildfisheriesreform@scotland.gsi.gov.uk](mailto:wildfisheriesreform@scotland.gsi.gov.uk)

It would be helpful if you could clearly indicate in your response which questions or parts of the consultation paper you are responding to as this will aid our analysis of the responses received. A template is provided which you may wish to use, but this is not compulsory.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of our website at <http://www.scotland.gov.uk/consultations>.

The Scottish Government has an email alert system for consultations, <http://register.scotland.gov.uk>. This system provides a weekly email containing details of all new consultations (including web links). It complements the Scottish Government distribution lists, and is designed to allow individuals and organisations to keep up to date with all Scottish Government consultation activity, and therefore be alerted at the earliest opportunity to those of most interest.

### **Handling your response**

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the Respondent Information Form, which can be found at the end of this consultation paper, as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential and will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and therefore has to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

### **Next steps in the process**

Where respondents have given permission for their response to be made public and after we have checked that it contains no potentially defamatory material, responses will be made available to the public in the Scottish Government Library at Saughton House, K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD and on the Scottish Government consultation web pages within six weeks of the consultation closing date. You can make arrangements to view responses by contacting the Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

**Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please use the contact details above.

## Consultation on wild fisheries reform in Scotland



The Scottish  
Government  
Riaghaltas na h-Alba

### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be returned with your response to ensure that we handle your response appropriately

#### 1. Name/Organisation

Organisation Name

Title Mr  Ms  Mrs  Miss  Dr  Please tick as appropriate

Surname

Forename

#### 2. Postal Address

Postcode

Phone

Email

#### 3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes  No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick **ONE** of the following boxes

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate

Yes  No

Yes, make my response,  
name and address all  
available

**or**

Yes, make my response  
available, but not my  
name and address

**or**

Yes, make my response  
and name available, but  
not my address

**(d)** 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?

**Please tick as appropriate**

**Yes**

**No**

## CONSULTATION QUESTIONS – RESPONSE TEMPLATE

**Q1.** Do you agree with the balance of functions as set out in Table 1?

Yes

No

Don't know

Comments

**Q2.** Do you consider that any main functions are missing? If so, please state what these are. Do you think that any of these functions might be best fulfilled at a different level?

Comments

**Q3.** Do you agree that FMOs should be charitable bodies?

Yes

No

Don't know

Comments

**Q4.** Do you have any comments about the WFR's view that FMOs should be Scottish Charitable Incorporated Organisations rather than charitable companies?

Comments

**Q5.** Do you agree that in order to ensure appropriate governance and fitness for purpose, FMOs should operate to a model constitution?

Yes

No

Don't know

Comments

**Q6.** What do you consider is an appropriate balance of interests on the board and wider membership of FMOs?

Comments

**Q7.** Do you agree that bodies wishing to become FMOs should do so through seeking approved body status from Scottish Ministers?

Yes

No

Don't know

Comments

**Q8.** Do you agree that the cornerstone of the relationship between national and local management bodies should be the proposed plan-led approach? If not, why not?

Yes  No  Don't know

Comments

**Q9.** Do you agree that the proposed package of measures in terms of constitution, governance and a plan-based approach provides an appropriate framework for decentralised delivery of fishery management functions?

Yes  No  Don't know

Comments

**Q10.** Do you agree that the FMO network should cover the whole of Scotland?

Yes  No  Don't know

Comments

**Q11.** Do you agree that Scottish Ministers, following discussion with stakeholders, should set out the boundaries of FMO areas?

Yes  No  Don't know

Comments

**Q12.** What factors should be considered in determining the number and optimal coverage of FMOs?

Comments

**Q13.** Do you agree that bodies designated as FMOs should be able to deliver analogous work on behalf of local or national interests?

Yes  No  Don't know

Comments

**Q14.** Are there any potential conflicts of interest in this approach?

Comments

**Q15.** Do you agree that funding raised from proprietors should continue to provide the core strand of revenue for local fishery management?

Yes  No  Don't know

Comments

**Q16.** Do you agree that we should explore the potential for extending the responsibility for paying the levy to the owners of all fishing rights?

Yes  No  Don't know

Comments

**Q17.** Do you agree that responsibility for collecting and distributing resources from fisheries proprietors for the purpose of delivering the national strategy at a local level should rest with the national unit?

Yes  No  Don't know

Comments

**Q18.** Do you agree that we should explore the recommendation that redistribution of funds should form part of the new management system?

Yes  No  Don't know

Comments

**Q19.** If not, what other means might be used for funding local fisheries management at appropriate levels across the country?

Comments

**Q20.** Do you agree that we should explore the recommendation for a two-tier levy system?

Yes  No  Don't know

Comments

**Q21.** Do you agree that Ministers should have powers to control harvesting of all fish species on the grounds of conservation and be able to do so in line with the precautionary principle?

Yes  No  Don't know

Comments

**Q22.** If not, what other mechanisms should exist in order to ensure a flexible regulatory system which can ensure delivery of legal obligations and policy priorities for management of species and is capable of responding to future changes?

Comments

**Q23.** Do you agree that, in the context of the wider proposals in this paper, the creation of an offence of reckless or irresponsible exercise of fishing rights should not be pursued?

Yes  No  Don't know

Comments

**Q24.** Do you agree that data collection priorities and processes for fisheries management at a local and national level should be predicated on a consistent approach and that this should be via a national research and data strategy?

Yes  No  Don't know

Comments

**Q25.** Do you have any suggestions for additional means to ensure that evidence-based decision making is embedded within the fisheries management system?

Comments

**Q26.** Do you have any suggestions for additional skills areas which might usefully be covered in training and CPD programmes?

Comments

**Q27.** Do you agree that annual and weekly close times should remain a key part of the management system for wild fisheries?

Yes  No  Don't know

Comments

**Q28.** Do you agree that the proposed local management organisations should have responsibility for considering such close times in line with the national strategy and the local fisheries management plan?

Yes  No  Don't know

Comments

**Q29.** Do you agree that the purpose behind Protection Orders can be achieved via the design of the new management system in line with the fundamental principles set out in chapter 2?

Yes  No  Don't know

Comments

**Q30.** Do you agree that the principles of the existing bailiffing system should be retained, but with amendment to set compliance within an appropriate framework of accountability with warrants issued by the national unit?

Yes  No  Don't know

Comments

**Q31.** Are there other mechanisms for enforcing fisheries legislation that should be considered?

Comments

**Q32.** Do you consider that there are advantages in the bodies involved in recreational fishing being able to come together to speak through one lead body?

Yes  No  Don't know

Comments

**Q33.** If so, do you have views on how this could be facilitated and in what timescale?

Comments

**Q34.** Do you agree that promotion of opportunities and access should be a central theme for the strategy?

Yes  No  Don't know

Comments

**Q35.** We are interested to hear views on how increasing opportunities and access to fishing can be embedded within the fisheries management system.

Comments

**Q36.** Do you support the concept of the angling sector coming together to develop a programme for development of angling (Angling for All), including an emphasis on opportunities for young people and promoting social and economic benefits?

Yes  No  Don't know

Comments

**Q37.** Should funding for Angling for All come from a rod licence? If not, where should resources be found to support the programme?

Yes  No  Don't know

Comments

**Q38.** Do you agree that a rod licence should only be used to fund Angling for All, rather than also being used to support wider management activity?

Yes  No  Don't know

Comments



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Any enquiries regarding this publication should be sent to us at  
The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-78544-341-1 (web only)

Published by The Scottish Government, May 2015

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS49537 (05/15)

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