

**From:** [redacted]  
**Sent:** 18 April 2018 15:54  
**To:** [redacted]; [redacted]  
**Subject:** RE: [redacted]: further appeal against expired licence no. [redacted]

Happy with the amendment, I wouldn't hold my breath this being the last we hear from [redacted] on the matter!  
[redacted]

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**From:** [redacted]  
**Sent:** 18 April 2018 14:06  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: [redacted]: further appeal against expired licence no. [redacted]

Thanks [redacted].

I've just amended the last line as it is [redacted] with whom [redacted] has tried to make contact.

Fingers crossed this finally does the trick!

[redacted]

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**From:** [redacted]  
**Sent:** 18 April 2018 14:00  
**To:** [redacted]; [redacted]  
**Subject:** RE: [redacted] : further appeal against expired licence no. [redacted]

[redacted]

Thanks. Couple of amendments made – [redacted] copied in also

If both content I'll send out.

[redacted]  
Team leader: Access to Sea Fisheries  
Sea Fisheries Policy Division: Scottish Government  
t: [redacted]  
m: [redacted]  
email: [redacted]  
\*\*\*Please note change in telephone number\*\*\*



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**From:** [redacted]  
**Sent:** 18 April 2018 13:25  
**To:** [redacted]  
**Subject:** RE: [redacted]: further appeal against expired licence no. [redacted]

[redacted]

I've drafted a response to [redacted] (c/o [redacted]) and would be grateful if you could cast an eye over it.

Many thanks

[redacted]

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**From:** [redacted]  
**Sent:** 18 April 2018 08:35  
**To:** [redacted]  
**Cc:** [redacted]; FO Campbeltown; [redacted]  
**Subject:** RE: [redacted]: further appeal against expired licence no. [redacted]

Thanks [redacted]

We discussed. I'll draft a letter reiterating our decision that, in light of [redacted] sustained lack of contact, we will not allow the expired licence to be made into an entitlement.

[redacted]

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**From:** [redacted]  
**Sent:** 17 April 2018 15:24  
**To:** [redacted]; [redacted]  
**Cc:** [redacted]; FO Campbeltown  
**Subject:** Re: [redacted]: further appeal against expired licence no. [redacted]

Thanks [redacted], [redacted] for the background. I assume we simply write back to [redacted] representative informing him that the licence has expired following [redacted] failure to communicate with us given this requirement as a licence condition.?

Sent from my BlackBerry 10 smartphone.

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**From:** [redacted]  
**Sent:** Tuesday, 17 April 2018 12:52  
**To:** [redacted]; [redacted]  
**Cc:** [redacted]; FO Campbeltown  
**Subject:** RE: [redacted]: further appeal against expired licence no. [redacted]

All

Just to add [redacted] was also contacted several times by email – both addresses had been supplied by him and no 'bounce back' was received so I can only assume they were delivered. We also left several voice messages on various numbers for him.

If you require further information do not hesitate to contact me.

Regards

[redacted]

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**From:** [redacted]  
**Sent:** 17 April 2018 12:23  
**To:** [redacted]  
**Cc:** [redacted]; [redacted]; FO Campbeltown  
**Subject:** [redacted]: further appeal against expired licence no. [redacted]

[redacted]

Yesterday I copied you into a discussion with [redacted] regarding an email that was allegedly sent to him several weeks ago by [redacted]. Having spoken to [redacted] his email has now been re-sent.

I have attached several eRDM links relating to this case but I'll attempt to explain matters first!

This all started when I received a call from [redacted] just over 2 years ago. She wanted to ask my opinion on a licence that expired on 30 June 2014.

[redacted], owner of the [redacted] and associated licence no. [redacted], didn't apply to re-license his vessel for the period [redacted], despite Campbeltown FO repeatedly trying to make contact with him. Due to the owner's inaction the [redacted] was de-registered by the RSS in April 2012.

In June 2012 an AFL7 form was sent to [redacted], the completion of which would have resulted in the creation of a hip pocket entitlement. However [redacted] implied that he would be re-registering the vessel and therefore wouldn't be completing the AFL7.

By February 2013 the vessel had still not been re-registered and the owner was therefore reminded about creating a hip pocket entitlement. Between February and December 2013 several attempts were made to contact [redacted] but to no avail. In December 2013 a letter was sent reminding him to complete an AFL7. Again [redacted] failed to act upon this advice.

Campbeltown then tried contacting [redacted] again in April 2014 but the situation remained unresolved.

In 2016 a potential purchaser for the as-yet-uncreated entitlement emerged. The FO therefore asked whether we would/should allow the entitlement to be created so that [redacted] could sell it on.

In light of [redacted] continued refusal to make contact with his local FO or indeed to act upon their advice, I recommended that we didn't allow the entitlement to be created 4 years after he was originally advised to do so. Both [redacted] and [redacted] agreed with my recommendation and Campbeltown subsequently informed [redacted] of our decision.

Now, 2 years after being advised of that decision, another appeal is being made, this time bypassing the FO.

I'll add a couple of other relevant points:

- It's a licence condition that we be informed of any change to a licence holder's details. Failure to do so within 3 months renders a licence invalid. [redacted] failed to notify us of a change to his registered address.
- Licence no. [redacted] expired, it wasn't revoked.

If you want me to clarify anything please just let me know.

[redacted]

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**From:** [redacted]  
**Sent:** 17 April 2018 11:05  
**To:** Access to Sea Fisheries  
**Subject:** Fwd: [redacted]

Sent from my iPhone

Begin forwarded message:

**From:** [redacted]  
**Date:** 25 February 2018 at 17:42:53 GMT  
**To:** [redacted]  
**Subject:** [redacted]

Hi this is [redacted]  
Acting on behalf of [redacted]

Hi. I was made aware that this licence of the [redacted]. Lic no [redacted].  
Was revoked due to lack of communication in an attempt to renew all the paperwork with this vessel.  
[redacted] NEVER used this boat for any fishing activity. He bought it as he was in the brink of being paid off his job with the forestry commission.  
Now this didn't happen. And [redacted] never got the chance to use it. He moved around a lot with his job and also moved house. Cardiff closed the registration and then Campbeltown fisheries revoked the licence due to not renewing it.  
I am asking for this licence to be reinstated with immediate effect.  
Now your probably thinking WHY.  
NO OFFENCE was committed and  
YES he didn't fill in the paperwork as required. He also didn't receive it as he no longer lived at his old address.  
YES HE SHOULD of notified someone but he really wasn't aware he had to.  
Call It an oversight or whatever!!  
I believe this was wrong to be taken off him. I think at least it should of been put on to an entitlement. 10 years to come forward to use it. Or lose it. I am asking for the entitlement to be dated from when it was taken away. And sent to me [redacted] I will supply new address in due course.

This email will be copied to [redacted]. My tel no is [redacted]  
With thanks [redacted]  
Sent from my iPhone

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**From:** [redacted]  
**Sent:** 25 April 2016 10:46  
**To:** [redacted]; [redacted]  
**Cc:** [redacted]; [redacted]; FO Campbeltown  
**Subject:** RE: [redacted] - further contact from [redacted]

Many thanks, [redacted] and [redacted]

I'm content that we have a defensible position, let's see what the mail brings.

[redacted]

[redacted]  
Head of Access and Control  
Marine Scotland: Access to Sea Fisheries  
Area 1B South, Victoria Quay  
Edinburgh EH6 6QQ

Tel: [redacted]  
Fax: 0044 (0)131 244 6474  
e: [redacted]

[w:http://www.scotland.gov.uk/marine-scotland](http://www.scotland.gov.uk/marine-scotland)



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**From:** [redacted]  
**Sent:** 25 April 2016 10:33  
**To:** [redacted]  
**Cc:** [redacted]; [redacted]; [redacted]; FO Campbeltown  
**Subject:** FW: [redacted] - further contact from [redacted]

Hi [redacted]

I just thought I'd warn you that I've had [redacted] on the phone regarding the above. Apparently he'd been given permission to contact us by vessel owner [redacted].

I spent five minutes with him going round and round in circles explaining that the licence/entitlement has been lost forever due to [redacted] continued refusal to respond to you, and that we were well within our rights to refuse to create an entitlement from the expired licence. [redacted] didn't help [redacted] case by telling me that he ([redacted]) had changed his address on more than one occasion, obviously without letting us know.

[redacted] tried to plead ignorance on [redacted] behalf but I explained that having been contacted on more than once occasion with clear instructions as to how to proceed this was no excuse. I'm not in the mood!

[redacted] said that he may put something in writing to Campbeltown and/or VQ.

(I've copied both [redacted] and [redacted] into this email as I discussed this matter with them previously. [redacted]/[redacted] – see attached eRDM link).

Kind regards

[redacted]

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**From:** [redacted]  
**Sent:** 23 March 2016 15:26  
**To:** [redacted]; [redacted]  
**Subject:** [redacted]



Please see attached for info  
Regards  
[redacted]

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**From:** [redacted]

**Sent:** 21 March 2016 08:04

**To:** [redacted]

**Cc:** [redacted]

**Subject:** FW: [redacted] - evidence of attempted contact by FO Campbeltown

Hi [redacted]

Thanks for sending this through.

We're happy for you to issue correspondence to [redacted] advising that the licence expired some time ago and can therefore no longer be made into an entitlement.

[redacted] thinks we might be receiving correspondence from a certain MSP in the not too distant future. But I think we have a very strong case considering the protracted attempts that have been made to contact the former licence holder.

Regards

[redacted]

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**From:** [redacted]

**Sent:** 18 March 2016 12:39

**To:** [redacted]

**Cc:** [redacted]

**Subject:** [redacted]



[redacted]

Please see attached email correspondence regarding [redacted] of [redacted].

The first page has post it notes with phone calls on, although I think there may have been more. You will see that we received an email today from [redacted] asking us to talk with [redacted] about the entitlement, which I have at length this morning.

I told [redacted] that [redacted] would be receiving a letter confirming loss of entitlement – I thought something along the lines of the old annex 29 letter (I've attached the last one I sent). Do you think it appropriate? And shall I put it out or do you want to?

They are going to appeal the loss and asked what could change your minds – I explained it was not for me to say what licensing branch would think but that it would need to be a strong case for it to be considered. He did ask would it make a difference if it was to go on a boat, as I said yesterday I thought [redacted] wanted it to put on one of his boats – I played daft and said, what one [redacted] owns? And left it at that.

He wanted to know who would make the ultimate decision so I gave him [redacted] email address so he may go direct to him or it may come through either one of us, I told him to wait until [redacted] had received the letter.

He did mention involving solicitors but I don't know if they would go to that extent at the moment. Think that's everything, if you need anything else let me know.

Regards

[redacted]

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**From:** [redacted]  
**Sent:** 17 March 2016 13:29  
**To:** [redacted]  
**Cc:** FO Campbeltown; [redacted]  
**Subject:** FW: [redacted] - belated creation of entitlement

Hi [redacted]

As discussed I have now received both [redacted] and [redacted] opinions on the on-going saga of the [redacted]. The consensus is that we do not allow an entitlement to be created from the vessel's licence.

When you have a spare few minutes (?) please send through copies of the emails/notes relating to all the attempts that have been made to contact [redacted] on this issue. No rush, just as long as we're able to store something in eRDM for future reference.

Many thanks

[redacted]

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**From:** [redacted]  
**Sent:** 17 March 2016 13:03  
**To:** [redacted]; [redacted]  
**Subject:** RE: [redacted] - belated creation of entitlement

Thank you both.

[redacted] advises me that she has a number of documents relating to the numerous occasions on which the FO has made attempts to contact the vessel's owner. I will ask that she scans and sends them to me for our records.

[redacted]

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**From:** [redacted]  
**Sent:** 17 March 2016 13:00  
**To:** [redacted]; [redacted]  
**Subject:** Re: [redacted] - belated creation of entitlement

Likewise. If this is all properly documented then I am content to proceed as recommended.

[redacted]

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**From:** [redacted]  
**Sent:** Thursday, March 17, 2016 11:57 AM  
**To:** [redacted]; [redacted]  
**Subject:** RE: [redacted] - belated creation of entitlement

[redacted]

I tend to agree with your take on this. As long as we have everything fully documented I think we have a defensible position.

[redacted]

[redacted]  
Head of Access and Control  
Marine Scotland: Access to Sea Fisheries

Area 1B South, Victoria Quay  
Edinburgh EH6 6QQ  
Tel: [redacted]  
Fax: 0044 (0)131 244 6474  
e: [redacted]  
w:<http://www.scotland.gov.uk/marine-scotland>

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**From:** [redacted]  
**Sent:** 17 March 2016 11:23  
**To:** [redacted]; [redacted]  
**Subject:** FW: [redacted] - belated creation of entitlement

[redacted]/[redacted]

Please see the below query received from [redacted] together with my summary of the situation. Here goes:

[redacted], owner of the [redacted], did not apply to re-license his vessel for the period 2010-2012, despite Campbeltown trying to make contact on numerous occasions. Due to the owner's inaction the [redacted] was de-registered by the RSS in April 2012.

In June 2012 an AFL7 form was sent to [redacted], the completion of which would have resulted in the creation of a hip pocket entitlement. However [redacted] intimated that he would be re-registering the vessel and therefore wouldn't be completing the AFL7.

By February 2013 the vessel had still not been re-registered and the owner was therefore reminded about creating a hip pocket entitlement. Between February and December 2013 several attempts were made to contact [redacted] but to no avail. In December 2013 a letter was sent reminding him to complete an AFL7. Again [redacted] failed to act upon this advice.

Campbeltown then tried contacting [redacted] again in April 2014 but the situation remained unresolved.

The latest twist in the tale is that there is now a potential purchaser for the as-yet-uncreated entitlement. The FO is therefore asking whether we should allow the entitlement to be created so that [redacted] can sell it on.

In light of [redacted] continued refusal to make contact with his local FO or indeed to act upon their advice, I would suggest that we do not allow the entitlement to be created four years after he was originally advised to do so! I would be concerned that allowing the entitlement to be created now would set a precedent and send a message that refusing to communicate with Marine Scotland is acceptable.

I'd be grateful if you could let me know whether you agree with this stance.

[redacted]

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**From:** [redacted]  
**Sent:** 15 March 2016 09:58  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: [redacted] - creation of entitlement

Thanks [redacted]. Unfortunately I can't find any trace of the emails that you referred to in eRDM so I will write this up to [redacted] and [redacted] later today or Thursday and see what their opinions are.

Regards



[redacted]

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**From:** [redacted]  
**Sent:** 15 March 2016 09:34  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** [redacted]

[redacted],

Further to our conversation yesterday, here are the details regarding [redacted];

- Owner did not apply for a new licence for period 2010 to 2012.
- Several attempts on our part to get vessel licenced – email and phone
- April 2012 vessel de-registered by RSS
- 13 June 2012 AFL7 sent to owner to create hip pocket (copied to [redacted])
- Owner claimed he was going to re-register vessel
- 27 February 2013 owner advised again about creating hip pocket (copied to [redacted])
- Several attempts to contact owner
- 11 December 2013, letter once again enclosing AFL7 to create entitlement (copied to [redacted])
- April 2014 emailed again and onwards several phone calls – messages left - to resolve situation
- 14 March 2016 someone contacted office wishing to purchase entitlement – they were advised that the entitlement had never been created and that advice would need to be sought as to whether in fact an entitlement would be issued due to current owner not responding to communication.

Entitlement would have been created as of 1 July 2010 (as initially agreed with [redacted] and subsequently [redacted]), entitlement would have expired 30 June 2015, but would've been extended by the 5 years so would've had an expiry date of 30 June 2020.

Please could you advise whether or not an AFL7 could/should be raised in this instance?

Regards

[redacted]

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**From:** [redacted]  
**Sent:** 10 December 2013 16:20  
**To:** [redacted]  
**Subject:** [redacted]



Hi [redacted],

You may not be interested in this but it's something that's been rumbling on for AGES. It was agreed with [redacted], yes that long, so I've just assumed it was ok send this.

With any luck we'll get it sorted.

I have another 'odd' one I'd like to discuss with you, maybe Thursday? Let me know when's convenient

Regards

**[redacted]**