

The Conservation of Salmon (Annual Close Times and Catch and Release) **(Scotland) Regulations 2014**

Questions and Answers

Q: What is the policy intent of the Regulations? Why are they considered necessary?

A: In recognising its international obligations, the Scottish Government has been considering the available data on the current status of Scottish stocks. It is clear from the latest analysis that across Scotland that catches in the spring have generally been declining, stabilising at a low level in recent decades.

In addition, Scottish Ministers have taken into consideration:

- The Salmon Net Fishing Association of Scotland members voted to end the voluntary arrangements which had been in place delaying the start of the 2014 netting season and although they eventually opted not to fish during the first 6 weeks of the netting season there was an absence of certainty regarding the 2015 season.
- Although voluntary catch and release is practised by many anglers it is considered that 100% catch and release is necessary for the spring period.

As a consequence it is considered that statutory measures are required

Q: What is the mechanism being deployed to ensure that this is possible?

A: The mechanisms are the extension of the annual close time to 31 March [30 April in the Esk District] and the release of all salmon during the extended close time.

Q: What will the effect of the measures be?

A: No salmon will be taken before 1 April [30 April in the Esk District] offering increased protection to salmon during the early part of the season. Certain exceptions apply in respect of the Annan and Eachaig districts, both of whom have regulations in place which prohibit the retention of rod caught salmon to 31 May and 30 April respectively.

Q: When will the measures come into force?

A: The Order was laid in the Scottish Parliament on 24th November 2014 and it is anticipated that the measures will come into force on 9 January 2015, the start of the 2015 season.

Q: You consulted on the measures. Why were the proposals not more widely advertised? Many people were not aware of the proposal until near the deadline.

A: Under the requirements of schedule 1, paragraph 11 of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003, notice was given of the general effect of the proposal. Notification was made in 3 National newspapers to ensure maximum geographical coverage giving 28 days to respond. This was supplemented by targeted e-mails to representative bodies and individuals for wider circulation.

Q: What was the level of response and what were the key issues raised?

A: A summary of the 45 consultation responses is included within the Business and Regulatory Impact Assessment (BRIA) which was published alongside the Order. The majority of respondents were supportive of the proposals with a clear view that the proposals should have gone further in extending the annual close times.

Q: How do you respond to the view that the proposals did not go far enough?

A: We were very clear when we were developing the measures that we wanted to take in to account scientific advice as well as to replicate wherever possible existing voluntary arrangements that are already in place and that it remained open to others to agree alternative arrangements that

supplemented that approach. It would be entirely inappropriate to identify a particular date without both considering the evidence to support the approach and the likely impact on business.

Q: How will having compulsory catch and release improve stock levels?

A: Compulsory catch and release will enable more salmon to reach their spawning grounds which will in turn increase the number of smolts returning to sea.

Q: Why are you introducing this when voluntary C & R is already high and is having a positive effect?

A: We are aware that many anglers practise catch and release well beyond 31 March in line with local conservation policies. However the status of spring stocks is such that everything possible requires to be done to protect salmon returning to rivers during the spring.

Q: Some anglers consider that compulsory C & R will drive away anglers – have you considered the impact, especially on the rural economy this measure will have?

A: A number of angling interests held the view that taking away the “choice” to retain fish may put some people off fishing in Scotland – it is unclear however whether this would happen and the extent to which these anglers may be displaced by others with a contrary view. Current practice of 92% catch and release in the spring and 80% overall of rod catch suggests the impact would not be significant. Any impact would be considered as part of any wider review of the operations of the Regulations.

Q: My River already operates C&R beyond the 1 April – will this mean I have to curtail the dates to be in line with everyone else, even when our evidence points to the need for a longer date?

A: No – some rivers may have legislation which extends their season /have statutory catch and release beyond the dates in this Order and some rivers may have voluntary agreement by the netsmen/and or catch and release beyond the dates in this Order.

Q: The original proposal was to apply to the River South Esk in the Esk District. However you have now decided to apply the Order to the whole Esk District. Can you explain that change of approach?

A: Having reflected further on the evidence we consider it necessary to extend the proposal to the entire district as fisheries operating within the former North Esk and Bervie districts are likely to be capturing a proportion of South Esk salmon.

Q: Why is the Esk district being treated differently?

A: This reflects the voluntary arrangement which was already in place delaying the start of the netting season until 1 May. Clearly other Boards have the ability to negotiate voluntary arrangements beyond the statutory requirements.

Q: Will the government be providing compensation to proprietors who stand to lose financially?

A: We are aware that under the previous voluntary agreement some netsmen were paid compensation by boards. There is no provision under the regulations for compensation payments. Negotiations regarding payment of compensation are for boards and netsmen to discuss.

Q: If I accidentally kill a spring fish, am I allowed to keep it?

A: No – dead fish must be returned to the river.

Q: Will the Regulations apply to sea trout (salmo trutta)?

A: No – the regulations will only apply to salmon (salmo salar). Although the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 defines Salmon as including sea trout this is solely for the purposes of the Act and does not apply to other legislation unless specifically stated.