

Aquaculture and Fisheries Bill

Shetland Workshop

17 January 2006

1 Summary

This meeting was one of ten held throughout Scotland during January and early February 2006. Twenty six individuals attended the meeting, which followed a facilitated workshop format. The meeting was facilitated by officials from the Freshwater Fisheries and Aquaculture Division in the Scottish Executive. The team guided the discussion and recorded the points made.

Two key questions were put to the audience:

- 1 What proposals in the consultation paper **did you not like? Why?**
- 2 What proposals in the consultation paper **did you like? Why?**

2 Record of proceedings

The attached record of proceedings contains points made by attendees concerning not only the proposals for the aquaculture and fisheries Bill but also their views on the future of fisheries management. Please note that the views expressed in this, and other workshops do not necessarily reflect the views of the Scottish Executive.

2.1 Aquaculture

1 Regulator

Is there a need?

Existing regulators already carry out a lot of regulation, can existing regulators have additional powers? FRS have a role.

FRS are not qualified in containment.

FRS cannot be adviser and regulator, should have an advisory role only.

General 3rd party complaints, could compromise the effectiveness of the regulator. Complainants should be charged when grounds are proven, (when mischief making).

Concern that FRS or other potential regulator is appropriately experienced at this time.

Empower Ministers to overrule other regulators, essentially an appeals mechanism.

There is no current justification for the enabling powers. The regulator should be properly trained and resourced.

Existing statutory agencies should assume the role of regulator, depending on the area of expertise required.

2 Charging

Charging industry is not desirable. There is no legal basis to allow this and could compromise competition internationally, as other countries do not charge for what is proposed in the consultation paper.

Why? If nothing is found the penalty should only be for major non compliance with regulation.

There is no justification for charging for inspections etc. Concern that once the principle of charging is accepted then charging could be levied for the functions that industry might feel are unnecessary.

3 Parasite Control

National Treatment Strategy already in CoGP. Need to be given a chance to demonstrate that it works.

There is no clarity in the role of the regulator here, or who the regulator should be.

Role of the vet – how will the regulator interact in the relationship between the fish farm operator and the vet.

Treatments potentially compromised by access to medicines.

Difficult to see where proposed powers and existing powers separate/interact – who has the bigger stick?

What happens organic farms in relation to treatments?

Shetland differs from the mainland with respect to impact of sealice on wild fish.

What happens when a treatment is deemed necessary by the regulator and the company is insolvent? Who pays?

If mandatory treatment leads to the loss of fish, where does the liability lie? (and what is the role of the insurance industry?)

State vet services should be considered as sealice regulator.

Want compensation for stock loss when regulator instructs treatment.

Where there is non compliance – there should be a period of around 3 weeks to allow the regulators advice to be actioned.

No justification for provisions on sealice/economic data – this is already held by SEPA.

Concern that collected data will be subject to FoI

4 Containment

If FRS had powers to require additional measures, they would add costs to industry where this is not necessary.

FRS do not have the technical competence.

Would prefer the Norwegian system, where there are standards, audited by a 3rd party and are not charged.

It is not clear how inspections might be carried out, would there be divers? Inspections could compromise biosecurity safety and spread disease.

Damage by predators is not addressed.

The insurance industry already ensure that containment is adequate.

The consultation paper does not address the issue of human error, it does not advance the issue of containment. If proposals merely impose additional costs then this is bad.

The Proposal to make it an offence for fish to escape is counter productive. No other sector is treated in this way. Where the damage is caused by a third party, who is liable?

Strict liability, why? Damage is to the farmer where stock is lost. This does not apply to any other food production sector. The proposal does not move the argument forward.

Why? What is the intention? Where is the justification?

Action Point – Shetland Aquaculture happy to work with the Executive to develop a programme to address standards.

There is a need to take the economic situation into account when regulation requires action to be taken.

3rd party whistle blowing – Why? It does not recognise that farmers may take time to recognise that an escape has occurred.

Proposals on notification – it is already an offence to report an escape.

Instead of a chartered engineer etc manufacturers advice /endorsement should be sufficient.

Producer experience should be taken into account, (existing cages moved, experienced staff in place).

The costs of complying with containment proposals is disproportionately expensive for small companies.

The proposals will have an will have an adverse impact on international competitiveness.

Farmers will be guilty until proven innocent.

SSI on containment should take full account of welfare and site specific conditions.

Containment proposals should apply to hatcheries and shellfish farms growing exotics.

Insurance industry and locals, national vet organisations should be consulted.

The production of contingency plans/containment plans could remove the need for inclusion in an EIA.

5 Data Collection

Concerns about the status of data under FoI, DPA.

Commercial confidentiality is an issue, no other industry has to provide such data. Production data is already supplied to SEPA, surely data can be obtained from data.

Data collection should be voluntary, organised through trade bodies.

There should be no duplication, and commercial confidentiality should be respected.

6 Relocation

Welcome, however could extend to decommissioning where appropriate.

7 Discretionary Power to pay compensation

This is to be welcomed, however:

What does discretionary mean?

Who decides?

How is compliance achieved (if for example, it is out of compliance with CoGP)

Level of compliance with CoGP

What if not all farms are affected are in compliance?

Should also be made available for the full value of any broodstock slaughtered

Should also be made available for other consequential losses such as delayed restocking (because of synchronous fallowing) and for juvenile diseased fish for which a market cannot be found and on the same basis as applies to the terrestrial livestock sector.

And – will improve early notification, and make for a more responsive regime.

Want 100% compensation.

8 Fish Movements

Which movements? Smolt to farms, site to site, site to processing harvesting

Regulation of fish movements out of management areas should also apply to the freshwater sector.

Fish Movements consents should be seasonal rather than per movement.

Fish movements consents should be required only where disease is suspected or confirmed.

Great concerned that no detail is available on the scope of any SI

How will the licensing work? Will there be charging?

Insertion of fish movements provisions in consultation paper has happened unexpectedly and supercedes what is in the CoGP. It is therefore not clear why this provision is proposed.

There is already a lack of seasite to seasite movements means that no regulation is needed.

There is no justification for regulation of movement of fish.

Fish movement regime proposed is potentially very restrictive. Could restrictions not apply to well boat movements between areas of equal status.

Enforcement sanctions [by the regulator?] should be introduced to enable SEPA to deal with discharge consent bids more quickly.

9 General Points

CoGP should be underpinned by statute.

Regulation and how it is applied should recognise the industry in its widest context, internationally.

No mention of funding for necessary research that stems from the implementation of proposals.

CoGP should be used as the basis for self regulation, the bill should only be used as a mechanism for backstop.

The CoGP should be given time to be seen to be working, as underpinning legislation may not be necessary.

The powers taken will have a negative effect on consumer confidence.

Activities in Shetland have little impact on wild fish anywhere, although sea trout are present in small numbers. The proposals appear to be driven by the situation in mainland Scotland.

Reference to CoGP essential. Consultation document does not acknowledge CoGP and that the development of the CoGP has been potentially superseded by the Bill.