

# **Aquaculture and Fisheries Bill**

## **Inverness Workshop**

### **23 January 2006**

## **1 Summary**

This meeting was one of ten held throughout Scotland during January and early February 2006. Forty seven 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**

Any regulator should not be connected to Scottish Executive, it should be completely independent.

Do not see how FRS could not be the regulator.

How will the regulator be funded? The figures in the RIA are underestimating the costs. The regulator must be properly resourced.

Not clear about the relationship between the regulator and the CoGP.

If the regulator is advisor, who will be the arbiter? This should be clarified.

There is the potential for conflict between the role of the regulator and the role of the company vet. The regulator should not be involved in directing treatment – should be a matter for clinical experts.

The regulator should have professional indemnity.

Responsibilities should be on the face of the Act.

The industry should not have self regulation but have a regulator specific to aquaculture.

## **2 Charging**

The measures should not be costly.

There should be no charges for inspections.

Charging should be tied to CoGP.

## **3 Parasite Control**

There should be research funding available for this.

The rationale for treating sealice is not clear, neither is the role of the regulator.

Little about other parasites.

A full range of medicines should be available to allow operators to treat sealice, and the regulator should ensure that this is the case.

The regulator should be able to respond quickly to issues such as sealice.

Welcome, although control rather than flexibility preferred.

Will there be provision to extend the SEPA discharge consent where mandatory treatment is required?

What will happen where a company is required by the regulator to treat sealice against the advice of the company vet?

Where does the liability lie where the instructed treatment leads to a loss, will there be compensation?

Appears to be little concern at the points of entry to GS. There should be publicity for visiting anglers and those travelling abroad re: what measures need to be taken?

Sealice data should not be passed to regulator, as this would mean that it would be publically available under FoI.

There is the potential for sealice data to be misrecorded, how could the regulator judge this?

Sealice numbers can vary widely, and so will be difficult for the regulator to judge where there was a problem. It is clear that increased inspection is required, which is counter productive.

The regulator should not base any action on frivolous claims.

Less onerous discharge consents should be applied to help the industry control sealice. The Quantity of discharge consent needs to be addressed before treatment is required by the regulator.

The regulator must override SEPA.

The regulator should not inspect farms that demonstrate compliance with the CoGP and instead target/inspect farms not in the CoGP.

There should be no additional financial costs to industry.

Where does liability lie for directed treatments?

#### **4 Disease Control**

Managers of wild fisheries should be responsible for disease outbreaks in their area.

Regulator should work/agree with vets. The definition of vets should be applied in its widest sense.

Regulator should only have the powers to insist on treatment on animal welfare grounds.

#### **5 Containment**

Proposals are suitable and seem highly desirable and welcome.

There is a risk that regulation may target good farmers more than bad. The regulation should be drafted to target non compliers.

There should not be a fine for an escape.

There is a huge onus on the regulator to be the expert. At the moment the regulator is not able to judge whether moorings are fit for purpose.

There is a liability issue for the regulator where it endorses structures. The regulator should advise, with liability based on insurance companies views.

Hatcheries should be included as should shellfish farms.

The regulator should liaise with the wildfish interests, where it carries out an inspection.

Strict liability Offence – how will the regulator be able to prove beyond reasonable doubt the source of an escape?

The regulator should be on call 24/7

There should be a framework for channelling 3<sup>rd</sup> party notification so malicious reports can be discounted. Confirmation should be sought from the RDO or equivalent locally.

#### **6 Data Collection**

The Data should be held by the regulator in confidence. Data should be more readily available where there was no fear of it being misused.

There needs to be clear parameters and limits to data collection so it is clear to the operator what is wanted, when, how and why.

The proposals could give some reason not to record adverse data.

There should be limits to the data requested.

Economic data is sensitive, confidentiality should be guaranteed in this area.

## **7 Relocation**

Need to clarify what public interest test will be for compulsory relocation.

There should be a decommissioning scheme for compulsory relocation.

Planning laws should assist the relocation process.

Relocation should not be compulsory under any circumstances.

## **8 Discretionary powers to pay compensation**

Should be 100% in all cases.

Should cover farms cleared under GS Controls.

There should be compensation for riparian owners if the introduction of GS is the fault of the Executive.

There should be compensation for consequential losses, not just market value, and apply to losses incurred as a result of standstill notices.

## **9 Fish Movements**

There should be compensation for the operator where the regulator decides fish cannot be moved.

There should be parity on this issue between wild fisheries and aquaculture.

Standstill notices should not be blanket.

Disinfection for wellboats should apply in all cases.

There should be individual applications for each movement between farm management areas.

## **10 General points**

Generally the proposals are very good.

Like the concept of regulation, as other industries are regulated.

The regulations are very sensible in relation to fish farming and wild fisheries.

Activities in freshwater can be carried out here that cannot be done in Norway. Escapes, eutrophication etc and extra food may mean some trout will stay in freshwater rather than emigrate and therefore reduce sea trout smolt production. If these fewer smolts then pick up sea lice from fish farms then there is a double whammy – even fewer smolts. Need to have robust regulation.

There should be standards of construction for containment on fish farms.

Industry CoGP should not be all and end all. Not too much stock should be put into CoGP that is not enforceable. Public would have no confidence in the voluntary approach.

If the CoGP is working there is no need for regulation, where it does not work there should be regulation.

The CoGP is more appropriate than regulation.

Assistance should be given to the industry to help them meet the CoGP and aid training by industry.

The Bill should ensure that the CoGP is adhered to, with sanctions akin to COSHH.

AMA process should remain voluntary.

The AMA approach is sensible in terms of information exchange.

Those involved in the AMA should disclose any financial interest they may have by law and make it available to the public. If this is a constraint then this may prevent/discourage joining the AMA.

Regulation could be draconian.

The Executive should consider the more accurate counting of seals shot by salmon farmers.

## **2.2 Freshwater Fisheries**

### **1 Gyrodactylus salaris (GS)**

Focus should be on prevention.

Any measures to tackle GS should be at a UK level (for prevention as well)

GS justifies the need to have effective controls for movements.

The simplest way to circumvent Gs is to bring the aquaculture industry ashore and put it into tanks.

Regulations should be made to prevent the import of live eggs (for both farmed and wild sectors) to Scotland from areas where Gs is endemic. There should be no importation of live salmonids.

Powers to tackle GS should be applied by Scottish Ministers and not DSFBs.

The regulations should make it clear as to who identifies infected areas, how they are defined.

The additional guarantees should be explained.

There is a loophole, what about live fish imported in saltwater.

What about action where another notifiable disease is found in a wild fishery e.g. ISA?

What provision will there be to ensure that the regulator is aware of outbreaks of any notifiable diseases in freshwater fisheries?

Regulations should ensure the disinfection of equipment.

The proposed controls should cover all diseases.

The most likely route of infection of Gs is by anglers, this has to be considered fully.

### **2 Amendments to rules on access**

Uncertain as to whether members of mandatory liaison committees should be paid.

There should be a minimum percentage of owners prepared to sign up to a PO before a PO comes into effect, where an owner does not want to be involved in the PO area then his fishery should not have PO protection.

Fishing conservation should be re-examined with respect to closure, although this couldn't be blanket due to different local conditions.

### **3 Fish Movements**

There are resource implications by implementing this in Scotland (akin to the s30 regime in England and Wales).

Not clear as to whether this will be a blanket permission.

Will there be an annual health check? Auditing regime.

This suggests centralised control of fisheries management through the back door.

How will the act address Genetic integrity v practicalities of stocking, who decides and what will the exclusions be?

The regulator should liaise with the DSFB on this.

Any fish movement regime should be based on risk assessment.

#### **4 Misc Amendments**

##### **Definition of fishing with rod & line**

Set rods for fishing for trout are not in the proposals, there should be clarification in law.

##### **Definition of Fish**

Agree with the proposal to expand the definition to include crustacean.

#### **5 General points**

Gill Netting – should be illegal for salmon at sea. The possession and sale of gillnets should be illegal or licensed.

The Bill should introduce some form of control over the spread of rainbow trout fisheries in Scotland, so that salmonids and wild brown trout are protected.

Data from the wild fisheries sector should be made available to the aquaculture industry in order for EIAs to be carried out.

## **2.3 Future Fisheries Management**

Why do we have to review these structures time and time again?

Fisheries Conservation should be re-examined with respect to closure. Closure couldn't be blanket because of different local conditions.

Should re-examine fishing effort on a local basis to ensure stocks remain healthy. Catch and release works but it is not ideal other options should be investigated.

River Boards are not ideal in modern Scotland. There is no reason why a system cannot be devised to satisfy angling and conservation.

What constitutes native stock and what evidence will the regulator use to determine native stock.

Management should be fit for purpose.

Concerns over funding, and there is a need for policy to be delivered locally.