

Aquaculture and Fisheries Bill

Aberdeen Workshop

24 January 2006

1 Summary

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

FRS expertise not in question, but there would question their suitability.

The regulator should take the CoGP into account.

The regulator should have local knowledge.

Strongly against FRS being the regulator, would prefer 3rd party as regulator, e.g. Stirling Aquaculture.

Exact role of regulator and methodology to be used is not clear.

Regulator must have necessary expertise and resources to deal with containment. Should not be both an advisor and regulator, potential conflict of roles.

If the fish farmer is operating the fish farm under the CoGP and regulation – therefore no need for an adviser.

You cannot be prosecuted for following advice.

2 Parasite Control

If the regulator requires action that is contrary to the advice of the vet or when the fish farmer, is the regulator liable if things then go wrong?

The requirement from the regulator may exceed SEPA consents – does this override COPA?

The treatments for sealice directed by the regulator should not be set against an allowance held by the regulator.

3 Containment

It is implied that a third party can request an investigation or inspection by the regulator where an escape may have occurred. The regulator should have the flexibility not to act under such circumstances.

Strict liability offence puts the onus on the operator to prove innocence.

It will be difficult to prove that an escape has occurred.

This goes beyond what is required on the terrestrial regime.

Local wild fish interests need early warning of an escape to be able to act, although there are FoI implications here.

The focus should be on preventing escapes rather than dealing with escapes once they have escaped.

There is too much detail on nets, and a risk of micro management in the Bill.

Structures should be designed for 1 in 200 or 300 year events – as with land based sectors.

Telemetry should be fitted on cages.

Notification forms – content mixes up food safety with minimising escapes – needs to be justified. The forms need to be modified to include only drugs in a withdrawal period.

4 Data Collection

The economic performance of processors in Scotland is being considered, it will be difficult to separate this from “English data”.

There is no need for such data, other industries do not have to and Norwegian companies won't provide it.

Producer organisation has statutory powers to collect data, should not overlap with provisions in the Bill.

5 Relocation

The compulsory closure of fish farms is unacceptable. There are human rights issues here.

In favour of enabling powers related to financial assistance for fish farms to relocate.

6 Discretionary power to pay compensation

Need for clarification on the issue.

Should look at consequential losses. If this were to happen in the freshwater environment then the loss of smolts would compromise future production.

7 Fish Movements

The proposed powers could be too bureaucratic, there should be blanket approvals.

8 General points

Welcome the link with the CoGP, but the proposals must be tied in more closely to the CoGP. Regulation may cause people to opt out of the CoGP if there is regulation in place.

People are not learning lessons from escapes, so a backstop is extremely important.

There will be a CoGP audit process in place, audit results should be married with the need to regulate.

The proposals for industry should have parity with wild fisheries and agriculture.

There are several examples here of over legislation.

The industry is already paying for the CoGP, there is a chance of double costing where the regulator audits, inspects farms.

In favour of enabling power. There should be more detail about what happens when the regulator has to step in.

2.2 Freshwater Fisheries

1 Gyrodactylus salaris (GS)

Need for prevention measures. There should be clarification of proposals for every step necessary to prevent introduction.

Anglers do not necessarily know how to take measures, there is a need for education initiatives. People should be able to demonstrate that their tackle has been disinfected. Any preventative measures should be UK wide.

Needs more thought. There should be a risk analysis carried out, once done who is liable if GS is introduced?

Live imports of freshwater fish an issue, not only from fish farms but also from the ornamental sector.

There is no control over non notifiable diseases once in the UK, this should be factored into how we tackle GS.

Are we eradicating the parasite or the host? Treating the parasite without killing the fish needs to be an option.

There should be a ban on the import of live fish from Norway to prevent the introduction of GS.

There should be a compensation element for standstill notices e.g. smolts cannot be put to sea and so there is a loss of smolts and future production.

2 Access

It is disappointing that the conservation of the resource is not the driver. The resource is not just one fish species but the whole ecosystem. The conservation of stocks should be in the Bill.

Reasonable cost - what is reasonable? Clarification is required.

Availability of fishing should be better advertised (e.g. through fishscotland).

The Land register might be the best vehicle for the existence of a PO to be made know to land buyers.

Can something be done in relation to existing obstructions? i.e. retrospectively? The Bill needs to require the provision of a fish pass, with a remedy effected within a prescribed time – through statutory notices? What about revisiting existing regulations (1994).

3 Fish Movements

Need total restriction of fish movements. If there is a standstill notice how will this prevent fish movements from England?

Welcome this inclusion, although local catchments should be exempt.

More detail needed on the mechanism, costs etc role of bailiffs.

4 Misc. Amendments

Definition of fishing by rod & line

The number of rods should be further examined. There should be one rod per person, although for coarse fishing it is sensible to have more.

Use of gaffs, tailers and landing nets

Welcome the tidying up of legislation on gags, gaffs etc.

Knotted nets, gags etc. should not be banned as there is no evidence to suggest damage coupled with the fact that it is completely unenforceable. There is evidence from England to suggest a ban is needed.

5 General points

Gill nets have been omitted from the proposals, there is a need to regulate the use and sale of gill nets in Scotland. It is illegal to use gill nets currently, so if this cannot be enforced then we need better regulation.

2.3 Future Fisheries Management

Agree with all species coverage.

Need to include stocked fisheries in management plans/structures.