This document relates to the Salmon Conservation (Scotland) Bill (SP Bill 20) as introduced in the Scottish Parliament on 28 September 2000

SALMON CONSERVATION (SCOTLAND) BILL

POLICY MEMORANDUM

INTRODUCTION

1. This document relates to the Salmon Conservation (Scotland) Bill introduced in the Scottish Parliament on 28 September 2000. It has been prepared by the Scottish Executive to satisfy Rule 9.3.3(c) of the Parliament’s Standing Orders. The contents are entirely the responsibility of the Scottish Executive and have not been endorsed by the Parliament. Explanatory Notes and other accompanying documents are published separately as SP Bill 20–EN.

POLICY OBJECTIVES OF THE BILL

2. The objective of the Bill arises out of growing concerns about declines in salmon and sea trout stocks. In common with the situation throughout the range of the Atlantic salmon, stocks of salmon in Scotland have been in serious decline for a number of years. In some areas there is concern that numbers have fallen below that required to ensure their survival. In all areas there is a recognition that more must be done to protect returning spawners, balancing exploitation and the socioeconomic benefits that accrue with the need to have viable populations.

3. A major problem is that the range of conservation measures currently available to fishery managers is limited. District Salmon Fishery Boards (DSFBs), who have statutory responsibility for salmon fisheries, can apply to the Scottish Ministers to alter the close seasons in their districts; and to restrict the use of certain types of baits and lures. Indeed 18 out of a total of 52 DSFBs have baits and lures restrictions in place. However, the overall effect of this is limited. Last year the Ministry of Agriculture, Fisheries and Food and the Environment Agency introduced bylaws deferring the opening of the season and requiring compulsory catch and release during the early part of the season. No such powers exist in Scotland.

4. The need to strengthen these powers was highlighted by the Scottish Salmon Strategy Task Force (SSTF) in their report published in 1997 which recommended that a wider range of measures to restrict exploitation should be made available for
which Boards could apply to Ministers, and that Ministers should take emergency powers to limit exploitation where fisheries are severely threatened.

5. A further justification for legislation is that it is a response to pressure at the international agreement level: Scotland has been singled out for criticism in recent meetings of the North Atlantic Salmon Conservation Organisation (NASCO), of which the UK is a member as part of the EU, for a perceived failure to implement effective conservation measures.

ALTERNATIVE APPROACHES

6. While alternative approaches such as promoting more extensive use of the current bait and lures regulations (section 6 of the Salmon Act 1986) and restricting annual close times (section 8 of the Salmon Act 1986) have been actively promoted, only about a third of DSFBs have adopted such an approach. Other voluntary measures such as catch and release are having some success in some areas but it is clear that such initiatives are limited.

CONSULTATION

7. A public consultation exercise was launched on 5 June 2000 inviting views on extending the range of conservation measures for which DSFBs could apply to the Scottish Ministers; and on the Scottish Ministers taking powers to make regulations themselves. At the close of the consultation period on 2 August 2000, 86 responses had been received.

8. There was overwhelming support from all sectors for the proposals to have additional powers to conserve wild salmon. However, a number of the respondents expressed reservations about Ministers having stand alone powers and there were others who called for action in the marine environment and against seals, piscivorous birds and nets as more appropriate. As anticipated, the Association of Salmon Fishery Boards backed the proposals and individual District Salmon Fishery Boards generally supported the views expressed.

EFFECTS ON EQUAL OPPORTUNITIES, HUMAN RIGHTS, ISLAND COMMUNITIES, LOCAL GOVERNMENT, SUSTAINABLE DEVELOPMENT, ETC.

9. The Bill is compatible with the European Convention on Human Rights and makes provision for local consultation before any regulations are made. It is envisaged that the Bill will have a positive effect on island communities and sustainable development. There will be no effect on local government or equal opportunities.
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