

SALMON AND FRESHWATER FISHERIES (CONSOLIDATION) (SCOTLAND) BILL COMMITTEE

Wednesday 18 December 2002
(Morning)

Session 1

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SALMON AND FRESHWATER FISHERIES (CONSOLIDATION) (SCOTLAND) BILL COMMITTEE

1st Meeting 2002, Session 1

OLDEST COMMITTEE MEMBER

*John Farquhar Munro (Ross, Skye and Inverness West) (LD)

COMMITTEE MEMBERS

*Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab)

*Murdo Fraser (Mid Scotland and Fife) (Con)

Mr Duncan Hamilton (Highlands and Islands) (SNP)

*Gordon Jackson (Glasgow Govan) (Lab)

*attended

THE FOLLOWING ALSO ATTENDED :

Iain Jamieson (Adviser)

CLERK TO THE COMMITTEE

Tracey Haw e

SENIOR ASSISTANT CLERK

Mark Brough

ASSISTANT CLERK

Catherine Johnstone

LOCATION

Committee Room 4

Scottish Parliament

Salmon and Freshwater Fisheries (Consolidation) (Scotland) Bill Committee

Wednesday 18 December 2002

(Morning)

[THE OLDEST COMMITTEE MEMBER *opened the meeting at 11:05*]

Interests

John Farquhar Munro (Oldest Committee Member): Good morning and a very warm welcome to this, our first meeting of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Bill Committee. I am in the chair, only it does not please me to be here. The reason why I am in the chair is that I am considered to be the oldest member.

Gordon Jackson (Glasgow Govan) (Lab): You are the oldest member.

Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): We could do things the other way round and have Gordon Jackson take the chair, as he is the youngest member.

John Farquhar Munro: The standing orders state that, at the first meeting of a committee after it is established by the Parliament, members of the committee shall choose a convener. That meeting is to be chaired by the oldest committee member until a convener is chosen. Once a convener is chosen, he or she will take the chair.

I remind members that mobile phones and pagers should be switched off during the meeting. We have received apologies from Duncan Hamilton, who is at another committee meeting this morning. He may appear later.

I am obliged to invite members to declare any relevant interests. That is a statutory requirement and members should err on the side of caution by declaring any interests that would prejudice, or give the appearance of prejudicing, their ability to participate impartially in the committee's proceedings.

Brian Fitzpatrick: I have a strong interest in salmon.

John Farquhar Munro: Have not we all?

Murdo Fraser (Mid Scotland and Fife) (Con): He has a strong interest in eating it. I do not think that there are any relevant interests.

John Farquhar Munro: That being the case, we shall move on to agenda item 2.

Convener

John Farquhar Munro: Agenda item 2 is the election of a convener. It has been decided that the committee will be convened by a member of the Conservative party and I therefore invite members to nominate a convener.

Gordon Jackson: It would have to be Murdo Fraser. I do not mean that badly. I am delighted for it to be Murdo. I did not mean that in a pejorative sense, but by sheer logic it must be him.

John Farquhar Munro: Murdo Fraser has been nominated. We are not required to have a seconder. Murdo, are you willing to take the chair?

Murdo Fraser: I would be delighted to take the chair.

Murdo Fraser was chosen as convener.

John Farquhar Munro: That makes life a lot easier for me, Murdo. I welcome you to the chair and congratulate you on your appointment. We shall swap places.

Deputy Convener

The Convener (Murdo Fraser): I thank John Farquhar Munro for convening the meeting.

The next item on the agenda is the election of a deputy convener. On a motion of the Parliamentary Bureau, it has been decided that that post will be held by a member of the Labour party. I invite a nomination for deputy convener.

Brian Fitzpatrick: I nominate Gordon Jackson.

The Convener: There are no other nominations so, if we are all agreed, I am delighted to declare that Gordon Jackson has been duly chosen as deputy convener of the committee.

Gordon Jackson was chosen as deputy convener.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Does Mr Jackson want to move seats?

Gordon Jackson: No. I am happy where I am.

Brian Fitzpatrick: I am delighted.

Gordon Jackson: I am delirious.

Item in Private

The Convener: The next item is to consider whether we deal with item 5 in private. Item 5 is consideration of the clerk's briefing paper on our approach to stage 1 of the bill, which will include discussion of potential witnesses from the Executive and external bodies. I suggest that, in accordance with normal custom, we take item 5 in private. Is that agreed?

John Farquhar Munro: I do not think that it is necessary to take item 5 in private.

The Convener: If members are happy to continue in public, we will do so.

Members indicated agreement.

Salmon and Freshwater Fisheries (Consolidation) (Scotland) Bill

The Convener: Members should have a copy of the clerk's briefing paper on the approach to stage 1 of the bill. I suggest that we work our way through the paper as efficiently as we can. The first point is on the schedule for our meetings. The plan is that we make our report to Parliament in, roughly, the first week of February 2003. Do members agree that we should meet weekly to achieve that?

Members indicated agreement.

Gordon Jackson: When will we meet weekly?

The Convener: That is the next point that we need to discuss. We need to find a slot that is suitable for the majority of members. The clerk suggests Tuesday afternoons, which certainly suits me. However, John Farquhar Munro is on the Rural Development Committee, which meets on Tuesday afternoons.

John Farquhar Munro: Yes, the Rural Development Committee meets for extended periods on a Tuesday. However, I do not think that this committee has much option, because we will run into difficulties whatever day we choose to meet. I suggest that the clerk slot in the meetings to make the best possible use of the time. I will try to attend them.

Brian Fitzpatrick: The difficulty about having our meetings on Wednesday mornings is that three members of this committee are on the Enterprise and Lifelong Learning Committee.

The Convener: In that case, Tuesday afternoons are the least-worst option and I think that we will agree to meet then. If necessary, John Farquhar Munro will need a substitute for meetings of the Rural Development Committee.

John Farquhar Munro: Yes.

Brian Fitzpatrick: Could the timing of the Tuesday meetings take account of the fact that the Labour group meeting takes place on a Tuesday over lunch? Two o'clock would be a good time for this committee to meet.

The Convener: Two o'clock would be fine. We will need to discuss certain arrangements later, but I think that the intention will be that we have a legal briefing in advance of the formal meeting in the same way as the Subordinate Legislation Committee operates. I suspect that the formal meetings will be short, because most of the work will be done during the legal briefing. We aim to schedule the meetings for perhaps 3 pm, with a half-hour legal briefing from 2.30 pm. We will let the clerk work out the detailed arrangements.

However, we aim to work on that basis and will start doing so on the first Tuesday that we are back in January.

On evidence taking, the first point is whether we want to hear from the Lord Advocate before commencing the stage 1 process. The bill is the Lord Advocate's and it is open to us to invite him to come and present the bill. My view is that that is an unnecessary step, unless members are anxious to call him to our first meeting in January.

Gordon Jackson: That would not help me at this stage.

Brian Fitzpatrick: Agreed.

The Convener: We could write to the Lord Advocate and ask him whether he wants to come to the meeting to make any points.

Gordon Jackson: I expect that we will need him to respond to certain things that we are told by other people, but I do not need him right now.

The Convener: We will not, at this stage, call the Lord Advocate, but we will bear in mind the possibility that we might have to call him at a later stage. Are members content to liaise with officials about the bill's detail?

Members indicated agreement.

The Convener: The next question is whether we want to seek oral evidence from external parties. The clerk sent out a press release some weeks ago to various interested bodies asking them whether they wished to give evidence, but there has been no response.

Brian Fitzpatrick: Paragraph 6 of the briefing paper lists the usual suspects. However, it struck me that people such as adjoining proprietors might have an interest and that organisations such as the National Farmers Union of Scotland should be dunted—I am sure that the NFUS has other things on its agenda at the moment. However, I suspect that the Scottish Anglers National Association might want to cover the bill. I would be particularly interested in hearing from people who net salmon. I am not sure whether a body speaks for them. If SANA does so, that is fine; otherwise, we could try to identify which body speaks for salmon netters.

The Convener: The clerk advises that there is such a body.

Tracey Hawe (Clerk): The Salmon Net Fishing Association of Scotland represents salmon netters.

The Convener: Was that body one of the ones to which we wrote?

Tracey Hawe: No, although the press release was posted on the website, so everyone has access to it. However, I will flag up the matter with

the NFUS and the Salmon Net Fishing Association of Scotland.

The Convener: Do we wish to invite those bodies to give oral evidence, or do members think that it is sufficient just to ask them to give written evidence?

Brian Fitzpatrick: I would certainly be interested in hearing what the people with net fishing interests have to say. I do not know what other members think.

11:15

Gordon Jackson: I would just like to make a general point about my difficulty with knowing how to answer those questions. Salmon fishing and the law of salmon fishing is a world of which I know nothing. I have read the recommendations of the Scottish Law Commission. I take it that we have to decide whether the recommendations are okay—whether the bill repeals things that should not be repealed or whether there are things that should be repealed that are being re-enacted. There is also the technical aspect, with which Iain Jamieson will help us. We have to decide whether there are mistakes in the bill, such as wrong footnotes, wrong references or wrong derivations. As for decisions on whether the legislation with which the bill deals has to be re-enacted, until somebody tells me otherwise, I am content with what the Scottish Law Commission has recommended.

I could pick a recommendation at random. Some people out there might be screaming blue murder saying, "We disagree with that. We think that it should be repealed." Others might be saying, "We don't think that it should be repealed." However, I would not have a clue which was the right position; I suspect that other members are in the same situation. Until people give us their evidence, I do not have any clue at all. I do not even know whether I need oral evidence. That is my difficulty. If everybody who has an answer writes in and says, "We've looked at this and we're all happy with it," I will be able to tell you frankly that I am happy as well. Until people respond, I will not know.

The Convener: The point about a consolidation bill is that we are not supposed to look at the policy behind the consolidation.

Gordon Jackson: I do not mean the policy so much, but we are entitled to ask, "Have things been re-enacted that should not have been re-enacted?" and, vice versa, "Have things been repealed that should have remained?" We can obviously take evidence on that. Until people tell us that that is the position, I do not have any personal view on the matter.

The Convener: I understand that. The Scottish Law Commission's proposals, which are incorporated in the bill, have been extensively consulted on.

Gordon Jackson: That seems fine to me.

The Convener: I think that the point that you are making is that we should not encourage evidence.

Gordon Jackson: I am happy to welcome evidence, but it has to be from people who look at the bill and say, "No, we've a problem with this. We want to tell you what our problem is." I would not know to ask for a problem. I do not know whether that makes sense.

Brian Fitzpatrick: I am happy to take that steer from our deputy convener. Let us see what the written evidence is. If issues arise from it, we can reconsider.

The Convener: Is that agreed?

Members indicated agreement.

The Convener: The next question is whether we agree to have informal briefing sessions with the legal adviser prior to formal meetings of the committee. Do members agree to do that for half an hour before each meeting, if the legal adviser feels that that is sufficient time in which to brief members?

Brian Fitzpatrick: Can we get some indication as to how likely it is that we will get information early enough? The Subordinate Legislation Committee is probably a bad example, as that committee's legal adviser has such a burden that we usually get legal briefs the evening before. Is that likely to be the timetable for this committee?

Tracey Hawe: We will try to obtain written legal briefings for members at least two days before the meeting.

Brian Fitzpatrick: That is ideal. I am obliged.

The Convener: The legal adviser tells me that we could have information a week before each meeting, which would be very helpful and would give us a chance to look at things properly.

Gordon Jackson: Does Iain Jamieson think that there is any difficulty in letting us have a full brief of everything that he thinks is not right?

Iain Jamieson (Adviser): There is no difficulty at all.

Gordon Jackson: Before we even get to the evidence, perhaps we could cut to the chase and start with that. At our first meeting, Iain Jamieson could tell us everything that he thinks is wrong with the bill—major things or minor things. Once we have fixed that, there may be nothing else to fix.

The Convener: The bill is a fairly hefty piece of legislation and a lot of work will be involved in going through it. I am not sure whether the legal adviser's work load would allow him to give us a full brief on day one. He may want to stage it over a number of weeks.

Iain Jamieson: I think that I will stage it.

The Convener: We have not yet seen the amount of work that may be involved. Rather than tackling everything on day one, we will need to go through the bill part by part.

Gordon Jackson: I do not even know whether there is a lot of work in it, in that sense. One can have a big document with not much work in it, but there is obviously quite a lot in the bill.

The Convener: Given the size of the bill, we will need to split consideration over at least two meetings. At the first meeting, we will consider part 1 and at the second meeting we will focus on the remainder of the bill. As we are meeting weekly, that will give us the opportunity to flag up outstanding issues with the Executive in writing after each meeting. When we get to the third meeting, we can perhaps call witnesses and officials to speak to the bill, before moving on to discuss a stage 1 report. Is that agreed?

Members indicated agreement.

John Farquhar Munro: Apart from taking evidence from the people who have a direct interest in salmon and freshwater fisheries, we should also consider taking evidence from groups that represent angling associations, so that we have the other side of the equation.

The Convener: We have already written to those groups asking whether they wish to submit evidence. If they submit written evidence, we will consider whether we should take oral evidence.

If members do not wish to raise any other points, I shall close the meeting. Thank you all for attending.

Meeting closed at 11:20.

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