Rural Affairs and Islands Committee
Wednesday 14 January 2026
2nd Meeting, 2026 (Session 6)

Note by the Clerk on Conservation of Salmon (Scotland) Amendment Regulations 2025 (SSI 2025/390)

Overview

1. At this meeting, the Committee will consider the following Scottish statutory instrument (SSI), which is subject to the negative procedure[1]. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.

2. More information about the instrument is summarised below:

   Title of instrument: Conservation of Salmon (Scotland) Amendment Regulations 2025 (SSI 2025/390)

   Laid under: section 38(1), and 6(b) and (c) and paragraphs 7(b) and 14(1)(a) of schedule 1 of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003

   Laid on: 8 December 2025

   Procedure: Negative

   Deadline for committee consideration: 26 January 2026 (Advisory deadline for any committee report to be published)

   Deadline for Chamber consideration: 1 February 2026 (Statutory 40-day deadline for any decision whether to annul the instrument)

   Commencement: 1 April 2026

Purpose of the instrument

3. The purpose of the instrument is to amend the Conservation of Salmon (Scotland) Regulations 2016 to reflect the most recent stock assessment for the 2026 salmon fishing season.

4. The 2016 Regulations place a statutory duty on the Scottish Ministers to carry out an assessment of the stock levels for salmon in inland waters for the purposes of establishing the conservation status of salmon in defined areas. The assessment involves the collation of information on population levels of salmon in each area based on catch statistics and is carried out annually.

[1] Further information about secondary legislation and the negative procedure is available on the Parliament's website

5. The assessment determines the conservation status for each defined area and special area of conservation (SAC). When a favourable conservation status for an area or SAC is assessed, it will be accorded a grade 1 or 2 status. For those areas where there is no favourable conservation status for Atlantic salmon, a grade 3 status will be applied. Salmon must not be retained in grade 3 areas.

6. As a result of the latest assessment, the Scottish Government proposes the grading of a number of rivers or groups of rivers will change for the upcoming 2026 fishing season, summarised in the following table, found on the Scottish Government's salmon and recreational fisheries pages:

Conservation status	**2021**	**2022**	**2023**	**2024**	**2025**	**2026 (proposed)**
Good	36	37	29	32	31	32
Moderate	35	35	31	29	24	26
Poor	102	101	113	112	118	115

7. This indicates an improvement in conservation status to stocks in eight areas and a decline in conservation status in four other areas.

8. The Scottish Government consulted on the proposed river gradings for the 2026 salmon fishing season in August and September 2025. The Scottish Government went on to publish its analysis of the consultation responses in December 2025.

9. The policy note states that the consultation responses—

   "covered a range of issues including questioning the assessment approach and methodology. Several of those responding have made similar representations in previous years. Recurring issues or themes raised in the comments also included a number of people who noted they were keen to see urgent actions being taken to protect wild Atlantic salmon. Common pressures raised included effects of habitat degradation and aquaculture activities on wild salmon populations and predation of salmon by other species."

10. The policy note accompanying the instrument is included in the annexe. It includes a summary of consultation undertaken on the instrument and the anticipated financial effects. Impact assessments were also carried out.

    - data protection impact assessment (DPIA)
    - business and regulatory impact assessment (BRIA)
    - child rights and wellbeing impact assessment (CRWIA)
    - island communities impact assessment

Delegated Powers and Law Reform Committee consideration

11. The DPLR Committee considered the instrument on 6 January 2026 and made no recommendations in relation to the instrument.

Committee consideration

12. Jackie Baillie wrote to the Committee on 1 October 2025 representing the Loch Lomond Angling Improvement Association's disagreement with the changes proposed for the 2026 season, in particular, the grading given to the Lomond System (River Leven, River Endrick, Clyde Estuary and River Fruin). Jackie Baillie told the Committee the Association "contests that absolutely no assurance has been provided relating to the completeness and accuracy of data used to determine the 2026 gradings for the Lomond System". Jackie Baillie also wrote to the Cabinet Secretary in the same terms.

13. The Cabinet Secretary replied to Jackie Baillie on 13 October 2025, copying in the Committee. The Cabinet Secretary stated that—

    "Following these exchanges between LLAIA and the Marine Directorate, no significant changes have been identified to the information held by the Marine Directorate. To confirm, that includes through the discussions with the LLAIA and the further searches carried out by MD officials.

    I note that LLAIA have indicated that they wish to contest the 2025 regulations. These are based on the most up to date assessment data and contesting them would not change the conservation status of the Endrick SAC. This is because the 2024 regulations (Endrick SAC in poor status) would remain in place if the 2025 regulations were to be annulled. This would however have impacts on other fisheries across Scotland as the conservation status would therefore be based on out-of-date information for those (7) rivers which have been proposed to change in the 2025 regulations.

14. Ariane Burgess and Rhoda Grant visited the Scottish Government's Marine Directorate laboratories at Faskally on 24 November 2025. A note from the visit is provided in Annexe B.

15. So far, no motion recommending annulment has been lodged.

16. Members are invited to note the instrument (that is, agree that it has no recommendations to make).

Clerks to the Committee
January 2026

POLICY NOTE

THE CONSERVATION OF SALMON (SCOTLAND) AMENDMENT REGULATIONS 2025

SSI 2025/390

The above instrument was made in exercise of the powers conferred by section 38(1), and 6(b) and (c) and paragraphs 7(b) and 14(1)(a) of schedule 1 of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003. The instrument is subject to negative procedure.

Summary Box

The Conservation of Salmon (Scotland) Amendment Regulations 2025 amend the Conservation of Salmon (Scotland) Regulations 2016 ("the 2016 Regulations") which make provision for the conservation of salmon in Scotland. Regulation 2 amends the 2016 Regulations by substituting schedule 2 of the 2016 Regulations. The purpose of the current Regulations is to amend the 2016 Regulations to reflect the most recent stock assessment for the 2026 salmon fishing season.

Policy Objectives

1. The North Atlantic Salmon Conservation Organisation (NASCO[2]) provides guidance that makes it clear that fisheries are best managed on a single river stock basis and that action should be taken to reduce the risks posed by any Mixed Stock Fisheries (those fisheries exploiting salmon from more than one river). Salmon continue to face many pressures in the marine, coastal and freshwater environment and there is an ongoing need to demonstrate that any killing of wild salmon in Scottish waters is sustainable. In addition, greater protection of stocks will help to maximise the socio-economic benefits that flow from them.

2. The Conservation of Salmon (Scotland) Amendment Regulations 2025 amend the Conservation of Salmon (Scotland) Regulations 2016 ("the 2016 Regulations") which make provision for the conservation of salmon in Scotland. The purpose of the 2016 Regulations is to ensure that the killing of Atlantic salmon in Scotland is managed by assessing and categorising specified areas of inland water in relation to their conservation status. The 2016 Regulations prohibit the retention of Atlantic salmon caught in any coastal waters in a salmon fishery district and in specified areas of inland waters. In addition, Ministers may agree a conservation plan with the local district salmon fishery board or salmon fishery proprietors, particularly in Special

[2] The Convention for the Conservation of Salmon in the North Atlantic Ocean is a multilateral agreement which came into force on 1st October 1983. Its aim is to promote the conservation, restoration, enhancement and rational management of salmon stocks in the North Atlantic through international co-operation. One of the measures in the Convention is the prohibition of fishing for salmon outwith the 12 mile zone in coastal States (article 2.2). It also makes general provision regarding the availability, and sharing, of statistics for catch as well as stocks and the provision of scientific data. NASCO, the North Atlantic Salmon Conservation Organisation, is the international organisation established by the Convention. Following the UK's withdrawal from the European Union the UK is now a full party to the Convention, having previously been represented through the EU.

Areas of Conservation (SACs) where stocks have been identified as being in poor conservation status.

3. The 2016 Regulations placed a statutory duty on the Scottish Ministers to carry out an assessment of the stock levels for salmon in inland waters for the purposes of establishing the conservation status of salmon in defined areas. This assessment is carried out annually. Where an area of inland waters includes a SAC, the Scottish Ministers must have regard to the conservation objectives of the SAC when carrying out their assessment. The purpose of the assessment is to determine whether killing of salmon is sustainable in the area in question. The assessment process entails the collation of information on population levels of salmon in each assessment area based on rod catch statistics and other data including information from in-river fish counters.

4. Since the introduction of the 2016 Regulations, Marine Directorate has engaged with the sector to develop and improve the annual conservation assessment process, and the robustness of the data used in the assessment. Following scrutiny of the Regulations in 2018 by Scottish Parliament's Environment, Climate Change and Land Reform Committee, the Scottish Government agreed that no significant changes would be made to the underlying assessment model for a period of at least three years, to provide stability and certainty to the sector. Each annual assessment is, however, based on the most recently available data from submitted catch returns and the fish counter network.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

5. The Scottish Ministers have made the following statement regarding children's rights. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, The Conservation of Salmon (Scotland) Amendment Regulations 2025 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

6. Atlantic salmon is listed as a species of community interest under the EU Habitats Directive (Council Directive 92/43/EEC). Following the UK's withdrawal from the European Union, the Habitats Directive became a part of assimilated EU law applicable in the UK.

7. The amendment to the 2016 Regulations would align with the EU Habitats Directive by continuing to prohibit the retention of Atlantic salmon caught in any coastal waters in a salmon fishery district and in specified areas of inland waters, in order to protect the conservation objectives of Special Areas of Conservation where salmon is a qualifying feature. This maintains and advances the high standards that Scotland shares with the EU on environmental protection.

8. Section 38(1) of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 ("the 2003 Act") enables the Scottish Ministers to make regulations considered necessary or expedient for the conservation of salmon.

9. The Conservation of Salmon (Scotland) Regulations 2016 were made in February 2016 and came into force on 31 March 2016. Subsequent amendment regulations, reflecting developments in the assessment process and the outcomes of the annual assessment, came into force on 1 April in each year since 2016. The Conservation of Salmon (Scotland) Amendment Regulations 2025 amend the 2016 Regulations. Regulation 2 amends the 2016 Regulations by substituting schedule 2 of the 2016 Regulations. Schedule 2 describes the areas of inland waters where there is a prohibition on the retention of any salmon caught. The purpose is to reflect the most recent stock assessment for the 2026 fishing season.

Consultation

10. To comply with the requirements of paragraphs 10 and 11 of schedule 1 of the 2003 Act, the Scottish Ministers have consulted with such persons they considered appropriate and have given notice of the general effect of their proposals by way of an advertisement in three national newspapers. The consultation period ran from 6 August to 7 September 2025.

11. As a result of that consultation, a total of 40 written representations were received from individuals and organisations including angling clubs, district salmon fishery boards (DSFBs), and fishery owners. These covered a range of issues including questioning the assessment approach and methodology. Several of those responding have made similar representations in previous years. Recurring issues or themes raised in the comments also included a number of people who noted they were keen to see urgent actions being taken to protect wild Atlantic salmon. Common pressures raised included effects of habitat degradation and aquaculture activities on wild salmon populations and predation of salmon by other species. Marine Directorate has responded directly to three substantive submissions received, with a view to answering the specific points made. Additionally, an outcome report answering the general points raised across all other representations has been produced.

12. A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website.

13. As a result of the substantive representations received, there were no further changes that affected the Regulations as proposed.

Impact Assessments

14. A Business and Regulatory Impact Assessment (BRIA); Island Communities Impact Assessment (ICIA); Data Protection Impact Assessment (DPIA) and Children’s Rights and Wellbeing Impact Assessment (CRWIA) have been completed on the amendment regulations. The BRIA and CRWIA have been attached to these regulations. An Equality Impact Assessment (EQIA) has not been completed for these amending regulations as they do not impact on specific protected characteristics set out in the Equalities legislation. All individuals are still permitted to fish for salmon, it is only the retention of salmon which has been prohibited in certain inland waters.

15. A new Strategic Environmental Assessment (SEA) has not been completed in implementing these Amending Regulations as one was conducted in April 2015, when the Conservation Regulations were first implemented. However, these regulations continue to align with the following environmental principles: a. protecting the environment should be integrated into the making of policies b. the precautionary principle as it relates to the environment; and c. preventative action should be taken to avert environmental damage.

Financial Effects

16. A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business is minimal, as the measures will restrict fishing to a catch and release regime in many areas of Scotland.

Scottish Government
Marine Directorate
December 2025

RAI/S6/26/2/3
ANNEXE B

Note from Ariane Burgess and Rhoda Grant's visit to the Scottish Government's Marine Directorate laboratories at Faskally on 24 November 2025

On Monday 24 November 2025, Rhoda Grant MSP and Ariane Burgess MSP, members of the Rural Affairs and Island (RAI) Committee, visited the Marine Directorate's freshwater fisheries lab in Faskally, near Pitlochry to learn more about the team's methods and approaches to assessing the conservation status of Atlantic salmon in Scotland's rivers conservation assessments.

The visit was ahead of the RAI Committee's scrutiny of the annual conservation of salmon regulations. These regulations implement the results of the annual assessment of the conservation status of wild Atlantic salmon in rivers and lochs and designates those waters where mandatory catch and release will apply for the following years fishing season.

Image 1: Scale impressing and reading

The visit was facilitated by the Scottish Government's Marine Directorate and Members were also accompanied by a committee clerk and SPICe researcher.

Members started off the day with an introduction to the conservation of salmon regulations led by the Marine Directorate's 'Science Lead for National Salmon Assessment and Licencing'. Officials spoke about the evidence on the decline in Scotland's Atlantic salmon population and the Scottish Government's previous findings that "there is sadly now unequivocal evidence that populations of Atlantic salmon are at crisis point" –(Scottish Wild Salmon Strategy, 2022).

Scientists also explained that evidence shows wild Atlantic salmon have been getting smaller, indicating that factors in the marine phase of their lifecycle is likely to be affecting their growth.

A brief overview of conservation regulations was provided. Officials described how The Conservation of Salmon (Scotland) Regulations 2016:

- regulates exploitation of endangered species,
- has 'catch and release' as the default (evidence must justify retaining of salmon)
- works on evidence-based management.

Officials shared views around how practising responsible catch and release has proved to be the simplest means for anglers and ghillies to make a positive and significant contribution to increasing fish populations.

Members and officials were then shown how scientists at the freshwater lab analyse growth rings in salmon scales to age fish which is important to estimate salmon population health. This technique is non-lethal, allowing fish to be aged and returned.

Members and officials then moved into the genetics lab which provides a wide range of molecular genetics techniques, including DNA purification, real-time PCR for gene detection, and DNA sequencing. Members were shown how researchers here develop and optimise genetic markers to study various biological and life history traits of fish populations. These techniques also allow scientists to identify male and female fish to estimate populations which is not possible to identify visually with accuracy due to the similarity between males and females when migrating up-river.

Images 2 and 3: Genetics testing demonstrations

After lunch, members moved into an in-depth presentation on the methods used within the annual assessments, led by the Marine Directorate's 'Science Lead for International Salmon Stock Assessment'.

Officials spoke about how 'NASCO Guidelines for the Management of Salmon Fisheries' are followed by the team, to work to international best practice. With local data being used where possible, a status of either 'good', 'moderate', or 'poor' is given to 173 assessed areas. Officials spoke about how the data is subject to public scrutiny and is made publicly accessible, and how the team is aiming to ensure all aspects are peer-reviewed and scientifically published (currently one scientific publication and three more in review).

Officials shared details of how the changes in the size of salmon have been captured historically and through a new sampling programme which was implemented in 2021. Updates were also provided on the team's efforts to specifically improve fishing effort data collection by recording the number of 'rod days' anglers fished. This is done through mandatory forms submitted by anglers. Finally, important variables, which exist throughout the datasets were presented, such as catchment characteristics and the time of year.

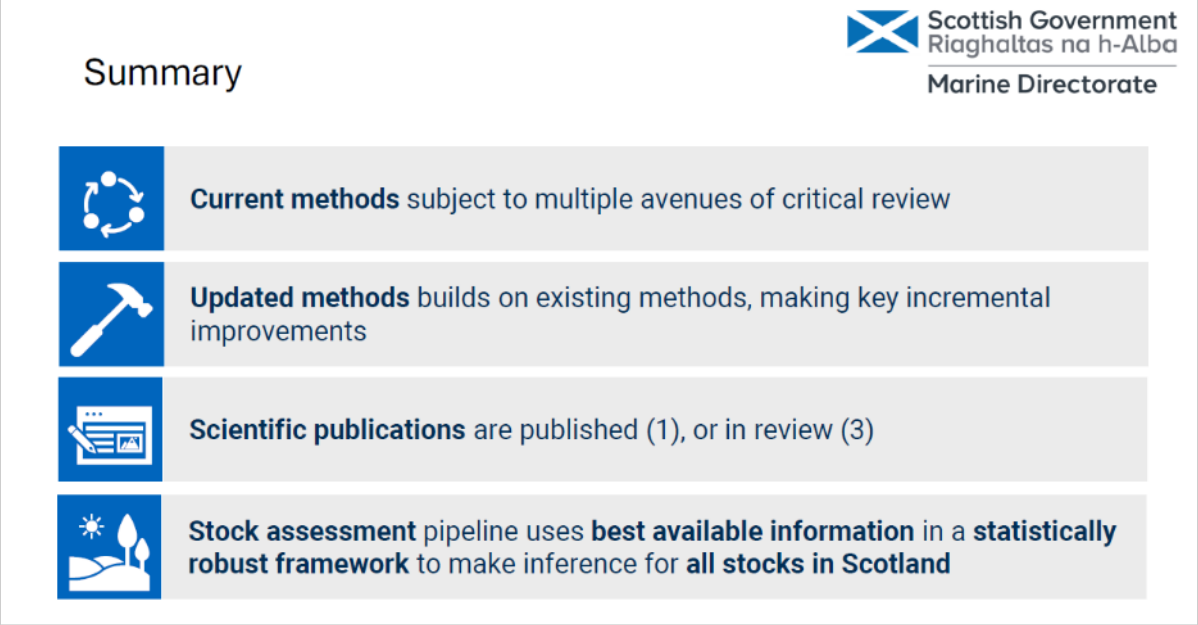

Image 4: Slide from Marine Directorate presentation on methods

Following this, Committee Members heard from the Marine Directorate's Wild Salmon Senior Policy Officer on the consultation outcome report from the 'Salmon fishing proposed river gradings for 2026 season' public consultation.

The consultation opened on 6 August 2025 and closed on 7 September 2025, with a total of 40 responses received. In the proposed river gradings for the 2026 season, 115 out of 173 stocks were assessed to be in poor conservation status. These figures form part of a long-term trend in the decline of salmon populations over the past few decades. An overview of this trend and further information was provided by Marine Directorate for the purpose of the consultation.

Finally, a presentation was given by the Marine Directorate's 'Science Lead for Adult Salmon Assessment Data' on the catch form process, including an in-depth look at the Endrick as a case study. Officials first spoke about the administrative landscape of Scotland's salmon fisheries and then moved on to the Marine Directorate's stock assessments and data requirements, before speaking about the annual catch form cycle.

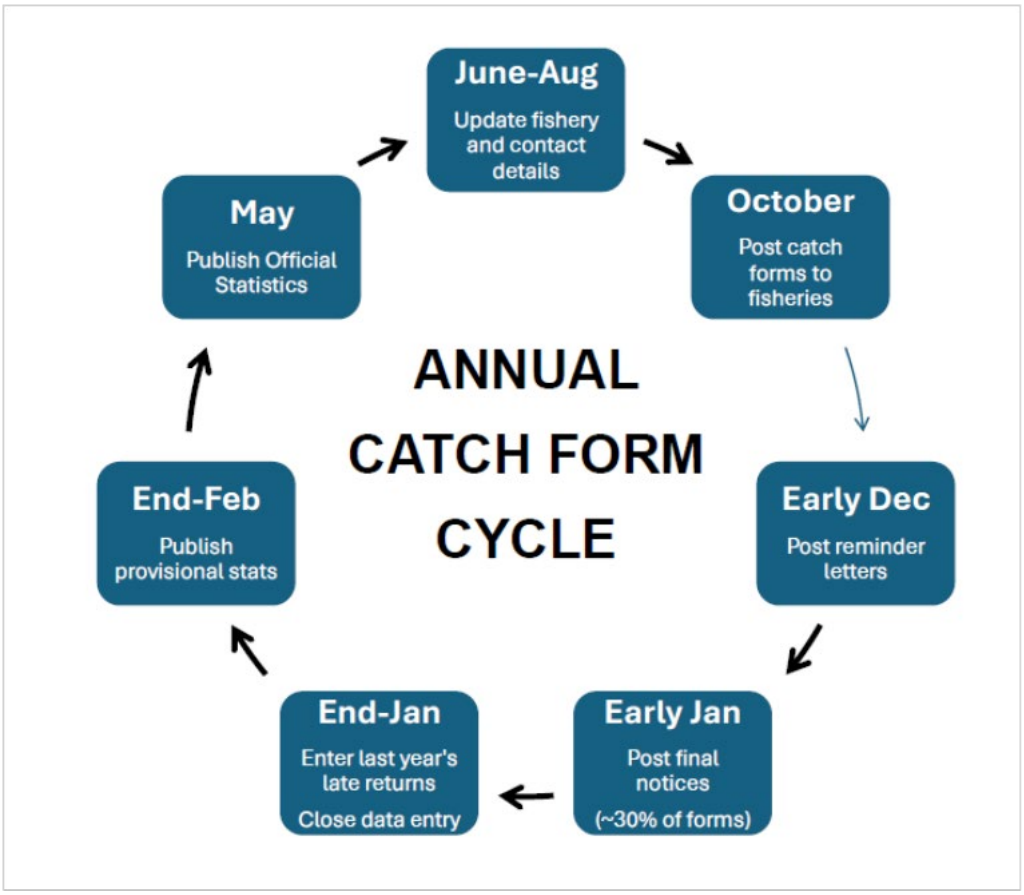

Image 5: Slide from Marine Directorate presentation on catch forms

Officials spoke about the challenges of identifying owners of salmon fishing rights and obtaining data to improve confidence in assessments. In particular, these challenges were discussed in relation to the Endrick where stakeholders from the Loch Lomond Angling Improvement Association have raised concerns about the data used to assess its conservation status. An overview of the research efforts to address the knowledge gaps in this river, including how the data collection has been improved, was provided.