WHAT TO DO IN THE EVENT OF AN ESCAPE OF FISH FROM A FISH FARM

Guidance on reporting an escape or suspected escape under Part 4A of the Aquatic Animal Health (Scotland) Regulations 2009

GUIDANCE

marine scotland

September 2012
WHAT TO DO IN THE EVENT OF AN ESCAPE OF FISH FROM A FISH FARM

INTRODUCTION

Operation of an Aquaculture Production Business (APB) in Scotland requires Authorisation by the Scottish Ministers under the Aquatic Animal Health (Scotland) Regulations 2009 (the 2009 Regulations). Authorisation is subject to a number of conditions.

The relevant provisions of the 2009 Regulations which apply to an authorised APB with regard to fish farm escapes are:

31D: (1) The operator of the aquaculture production business comprising a fish farm authorised under regulation 6 must immediately notify the Scottish Ministers of the circumstances on, or in the vicinity of, the fish farm which –

(a) are believed by that person to have caused an escape of fish; or
(b) gave rise to a significant risk of an escape of fish.

(2) A notification under this regulation is referred to in this Part and in Schedule 1C as an ‘initial notification’ and must contain the information specified in the form in Schedule 1C.

31E: (1) No later than 28 days after the day a person gives an initial notification under regulation 31D(1)(a), that person must notify the Scottish Ministers of

(a) the number of fish that are believed by that person to have escaped from the fish farm;
(b) the details of any steps taken by that person to recover the fish;
(c) the number of fish recovered following the escape; and
(d) the details of the follow-up action taken by that person following the escape.

(2) A notification under this regulation is referred to in Schedule 1D as a ‘final notification’ and must contain the information specified in the form in Schedule 1D.

Notification forms are attached as Appendices to this guidance on pages 11 & 12.

Note: Schedules 1C & 1D set out in the 2009 Regulations, as amended as at the date of this Guidance, state that once completed the forms should be sent to Marine Scotland, Victoria Quay, Edinburgh. Operational responsibility for fish escapes reporting now lies with Marine Scotland Science and we would be grateful for your cooperation in ensuring the forms are sent to the Duty Inspector in Marine Scotland Science, Fish Health Inspectorate. Revised contact details are set out in this guidance, and on the notification forms on pages 11 and 12.

The reporting of all escapes of farmed fish or circumstances which gave rise to a significant risk of an escape of farmed fish is mandatory. Reports must be submitted to the Scottish Ministers through the Duty Inspector, Marine Scotland Science, Fish Health Inspectorate.
This guidance provides advice to fish farmers (and wild fishery interests) on the action to be taken when an escape is either suspected or has occurred. This includes how to apply to Scottish Ministers for permission for the use of nets to recapture, where this is considered appropriate.

The 2009 Regulations and this guidance apply to all finfish farms in Scotland, including freshwater farms.

**WHY YOU MUST REPORT AN ESCAPE**

It is recognised that there may be circumstances beyond your control that may lead to an escape. The Scottish Government’s focus is on whether escaped fish may occupy valuable wild habitats or inter-breed with wild fish, threatening their genetic variability and natural viability. In addition, there is concern regarding the spread of fish disease and pathogens from farmed to wild populations. Marine Scotland recognises these concerns and considers risks should be reduced to a minimum.

Fish farmers should be open and informative about the facts of any incident. It is particularly important for local wild fishery interests to be aware of any escapes and, where appropriate, to assist with any recovery efforts.

Failure to comply with the requirements of the 2009 Regulations may result in service of an enforcement notice, suspension or revocation of the Authorisation to operate as an APB or proceedings for an offence. This includes failure to immediately notify Scottish Ministers of any escape of farmed fish or of the circumstances which gave rise to a significant risk of an escape of farmed fish.
1. Scottish Ministers must be notified immediately it is believed that an escape of farmed fish has occurred from a fish farm or where circumstances give rise to a significant risk of an escape of farmed fish.

In the first instance an immediate call should be made to:

The Duty Inspector,
Fish Health Inspectorate,
Marine Scotland Science
Telephone: 01224 295525

You will be allocated a MARINE SCOTLAND ESCAPE INCIDENT NUMBER which you should use in all subsequent correspondence relating to the incident.

If an escape or risk of escape occurs out of normal business hours the call should be made to:

The On Call Inspector
Fish Health Inspectorate
Telephone: 01224 876544

2. An Initial Notification Form, available on page 11 of this guidance, should then be completed and sent to the Fish Health Inspectorate mailbox at:

ms.fishhealth@scotland.gsi.gov.uk

Where email is unavailable completed forms may be faxed to Marine Scotland Duty Inspector on 01224 295620

It is also important to provide early notification to other interested bodies, including:

• the relevant District Salmon Fishery Board or Fishery Trust;
• the Scottish Environment Protection Agency at your local SEPA office (for freshwater farms only).

The relevant contacts should be listed in business’ site specific escapes contingency plan.

3. If recapture of escaped fish is considered appropriate, the subsequent strategy should be agreed between the fish farmer and local wild fish interests. If this includes the proposed deployment of gill nets, permission must be obtained from Marine Scotland.
Guidance on how to obtain permission for the use of gill nets to recapture escaped fish can be found on page 8.

It is recognised that initial information supplied may not be entirely accurate and that the full facts of an incident may emerge subsequently. It is therefore necessary for the initial notification to be followed by a Final notification which should include final figures and other information regarding the escape.

4. Within 28 days of submitting the Initial Notification Form, a Final Notification Form, available on page 12 of this Guidance, should be completed and sent to the Fish Health Inspectorate mailbox at:

ms.fishhealth@scotland.gsi.gov.uk

If the number of fish lost is unknown at this point, an additional final notification form should be submitted as soon as possible after the losses have been established.

Initial and Final Notification forms can be found at Appendices 1 & 2 of this document on pages 11 & 12.

The forms along with this guidance are also available on the Marine Scotland website at: www.scotland.gov.uk/Topics/marine/Fish-Shellfish/18364/18692/escape

PUBLICATION OF ESCAPES INFORMATION

Marine Scotland may be required to release some of the information provided on the reporting forms, e.g. site location, health status, number of fish lost etc. to third parties on request, under the requirements of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.

A summary of all confirmed reported escapes is published on the Marine Scotland website: www.scotland.gov.uk/Topics/marine/Fish-Shellfish/18364/18692/escapeStatistics
GUIDANCE ON COMPLETION OF FORMS

INITIAL NOTIFICATION FORM: Schedule 1C to the 2009 Regulations:

Section 1: Please provide details of the Aquaculture Production Business (APB) that operates the site. The contact name given should be that of the person who would liaise with Marine Scotland during any follow-up action.

Section 2: Please supply details regarding the fish which have escaped. *Species of fish* - where more than one species is involved, please provide a separate form for each.

*Growth stage* – stage for salmon should be defined as one of the following: ‘brood fish’, ‘eggs (green or eyed)’, ‘grower fish’ or ‘fresh water stages’. The stage for other species should be defined as ‘Fish weighing more than 5 grams’ or ‘Fish weighing up to 5 grams’.

If the fish have been suffering from any disease (notifiable or other) this information should be included. Please also consider if the fish may be acting as carriers of fish pathogens and specify these.

An indication of the maximum mortality rate (weekly % mortality) should be given.

Section 3: Please provide a detailed description of the escape or suspected escape and its cause. This should include the suspected primary reason for the escape (or potential escape) as well as the underlying (secondary) reason.

Examples of **Primary** cause include:
- hole in net;
- net or mooring failure;
- net under water;
- tank failure (freshwater sites);
- flooding (freshwater sites);
- fish handling error;
- screen failure;
- human error;
- vandalism;
- extreme weather conditions;
- transfer pipe failure;
- helicopter bucket failure.

Examples of **Underlying** (secondary) cause include:
- predator;
- chafe/snag;
- inappropriate equipment;
- inappropriate use of equipment;
- equipment damage;
- equipment wear and tear;
- poor servicing of equipment;
- floatation tube failure;
- well-boat/boat collision;
- fire;
- propeller damage;
- collision with floating/submerged object (other than boats);
- well boat collision;
- rodent damage.
FINAL NOTIFICATION FORM: Schedule 1D to the 2009 Regulations:

The Final Notification Form must be submitted within 28 days of submission of the Initial Notification. It should provide information on any recapture efforts and detail assessment of the scale of the loss.

Section 1: Details as per those supplied in the Initial Notification Form.

Section 2: Action taken by business – i.e. monitoring, deployment of gill net or other means of recovery. The information supplied on the recovery methods should include an assessment of the effectiveness of the methods used, or where it was deemed inappropriate to recapture, the reasons for not doing so.

Section 3: The fish farmer is asked to re-evaluate their site specific contingency plan and highlight the areas that led to the escape and how these could be improved so as to minimise the risk of a similar incident in the future or on other farms owned by the business.

HOW TO OBTAIN PERMISSION TO USE NETS TO RECAPTURE ESCAPED FISH*

* Permission to use otherwise unlawful methods of fishing to take or to fish for salmon or freshwater fish.

Methods used for recapture of escaped fish will necessarily vary, depending on the location of the farm site and the local topography, the size of the fish involved, and implications for other wildlife (such as wild salmon and other fish species, birds and marine mammals). In some instances the appropriate recapture method would involve rapid deployment of gill nets of appropriate mesh size.

It should be noted that the APB or other person seeking to recapture or catch escaped fish might need a time limited permission, exempting the proposed activity from otherwise applicable legislation.

In almost all cases, action will require permission from the local district salmon fishery board or from the Scottish Ministers to “use otherwise unlawful methods of fishing to take salmon or freshwater fish”.
1. **Deploying gill nets could impact on wild fisheries. Fish farmers should agree their proposed course of action with local wild fishery interests before seeking permission to deploy.**

   It is acknowledged that nets must be deployed quickly to ensure effective recapture. Therefore Marine Scotland can give immediate verbal acknowledgment of the intention to deploy nets **subject to satisfactory assurances from the farmer** that there is agreement with local wild fish interests and that a written application will be made within 24 hours of the acknowledgment being made.

2. **To notify intention to seek permission to deploy in the event of an escape of farmed fish, a call should be made to:**

   The Duty Inspector,  
   Fish Health Inspectorate,  
   Marine Scotland Science  
   Telephone: 01224 295525

   If an escape occurs out of normal business hours the call should be made to:

   The On Call Inspector  
   Fish Health Inspectorate  
   Telephone: 01224 876544

3. **Written permission to deploy nets should be sought as soon as possible - and in any event not less than 24 hours from the time you first reported the escape - by completing an Application for Permission to Net or Trap Salmon or Freshwater Fish.** The form should be emailed or faxed to Marine Scotland Salmon and Recreational Fisheries and include reference to the Marine Scotland escape incident number.

   Fax: 0131 244 6512  
   Email: escapes@scotland.gsi.gov.uk

   Application forms for Permission to Net or Trap Salmon or Freshwater Fish and the accompanying **Explanatory note** can be found at Appendices 3 & 4 of this document on pages 13 - 17.

   * for persons wishing to use electro-fishing equipment, nets, traps or other illegal devices to catch salmon or freshwater fish for scientific purposes or to protect, improve or develop stocks of fish.
FURTHER INFORMATION OR ADVICE ON WHAT TO DO IN THE EVENT OF AN ESCAPE

Further information or assistance can be obtained from:

MARINE SCOTLAND SCIENCE
FISH HEALTH INSPECTORATE

Tel: 01224 295525
Fax: 01224 295620
e-mail: ms.fishhealth@scotland.gsi.gov.uk

MARINE SCOTLAND AQUACULTURE UNIT

Tel: 0131 244 6226
Fax: 0131 244 6512
e-mail: escapes@scotland.gsi.gov.uk
ACTION IN THE EVENT OF AN ESCAPE

Has an escape occurred?

Yes

Conduct site integrity checks and repair any problems

Contact Fish Health Inspectorate (FHI) to notify of incident and (if applicable) intention to deploy gill nets

Has an incident that could have caused an escape occurred?

Yes

Notify other interested parties i.e. DSFB or SEPA

Submit Initial Notification to FHI

Written application for gill nets to Marine Scotland

Implement recovery plan

Review and replace equipment and update procedures and contingency plan

Submit Final notification to FHI

Contacts Details:

Duty Inspector, Fish Health Inspectorate, Marine Scotland Science 01224 295525
On Call Inspector, FHI, Marine Scotland Science 01224 876544 (Outwith Office Hours)

Initial and Final Notification Forms to be sent to: ms.fishhealth@scotland.gsi.gov.uk or faxed to Duty Inspector or On call Inspector on: 01224 295620

Application for deploying Gill Nets Contact: Manson Wright, Marine Scotland, Salmon and Recreational Fisheries, Area 1B North, Victoria Quay, Edinburgh, EH14 1TY 0131 244 6229, email: escapes@scotland.gsi.gov.uk. Completed forms should also be sent to this address.

Copies of Forms at: http://www.scotland.gov.uk/Topics/marine/Fish-Shellfish/18364/18692/escape
APPENDIX 1

FARMED FISH ESCAPES – INITIAL NOTIFICATION

This form is to be submitted immediately following any circumstance which caused or might have caused an escape of fish from a fish farm site.
Please refer to “WHAT TO DO IN THE EVENT OF AN ESCAPE OF FISH FROM A FISH FARM” for further guidance on how to complete this form: www.scotland.gov.uk/Topics/Fisheries/Fish-Shellfish

1. Please supply details of the authorised aquaculture production business (APB) and farm site:

<table>
<thead>
<tr>
<th>Site Name:</th>
<th>Site No:</th>
</tr>
</thead>
<tbody>
<tr>
<td>APB Name:</td>
<td>APB No:</td>
</tr>
<tr>
<td>Contact Name:</td>
<td>Telephone No:</td>
</tr>
<tr>
<td>Fax No:</td>
<td>Email Address:</td>
</tr>
</tbody>
</table>

2. Please supply the following details regarding the fish escape:

<table>
<thead>
<tr>
<th>Date &amp; time of incident (nearest estimate)</th>
<th>OS grid reference:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site location:</td>
<td>Estimated number of fish lost:</td>
</tr>
<tr>
<td>Species:</td>
<td>Average weight:</td>
</tr>
<tr>
<td>Age in months:</td>
<td>Growth stage:</td>
</tr>
</tbody>
</table>

Please supply details of any treatments administered for which the fish are in withdrawal:

Please confirm whether the fish were healthy at the time of the escape, or the nature of any disease:

Please confirm mortality rates on site and the reasons for mortality:

3. Please provide details of the circumstances surrounding the fish escape or potential escape (if necessary continue on a separate sheet):

<table>
<thead>
<tr>
<th>Circumstances Surrounding the Escape or potential Escape</th>
<th>The form should be sent to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consider: Human error, predation, suspected foul play, failure or wear and tear of equipment (mooring, ropes, netting, cages or pens, boats), weather conditions (wave height, wind speed and tidal strength):</td>
<td></td>
</tr>
<tr>
<td>Suspected Primary Reason for Escape or potential Escape</td>
<td></td>
</tr>
<tr>
<td>Suspected Underlying Cause of Reason for Escape or potential Escape (if applicable)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Completed by:</th>
<th>The Duty Inspector</th>
</tr>
</thead>
<tbody>
<tr>
<td>Position in Organisation:</td>
<td>Fish Health Inspectorate</td>
</tr>
<tr>
<td>Date:</td>
<td>Marine Scotland Science</td>
</tr>
</tbody>
</table>

PO Box 101
375 Victoria Road
Aberdeen
AB11 9DB
ms.fishhealth@scotland.gsi.gov.uk

Tel: 01224 295525
Fax: 01224 295620

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APPENDIX 2  
FARMED FISH ESCAPES – FINAL NOTIFICATION

This form is to be submitted **not later than 28 days** following the submission of the initial notification of circumstances which caused or might have caused the escape of fish from a fish farm site.

Please refer to “WHAT TO DO IN THE EVENT OF AN ESCAPE OF FISH FROM A FISH FARM” for further guidance on how to complete this form: [www.scotland.gov.uk/Topics/Fisheries/Fish-Shellfish](http://www.scotland.gov.uk/Topics/Fisheries/Fish-Shellfish)

1. **Please supply details of the business and the site:**

<table>
<thead>
<tr>
<th>Site Name:</th>
<th>Site No:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>APB Name:</th>
<th>APB No:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact Name:</th>
<th>Telephone No:</th>
</tr>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>FAX No:</th>
<th>Email Address:</th>
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</tbody>
</table>

2. **Please provide final details of the escape or Potential escape:**

<table>
<thead>
<tr>
<th>Date of initial notification:</th>
<th>Total number of fish lost (if none please specify “none”) *:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Marine Scotland incident reference:</th>
<th>Number of fish recovered (if none please specify “none”):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Action taken by business to recover fish:</th>
<th>Have site movement records been updated:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Confirmed Primary Reason for Escape or potential Escape</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Confirmed Underlying Cause of Reason for Escape or potential Escape (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

3. **Follow-up action:**

<table>
<thead>
<tr>
<th>What preventative measures have or will be taken to minimise the risk of a similar incident occurring on this or any of the business’ other sites (continue on a separate sheet if necessary):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

**The form should be sent to:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Address</th>
<th>Phone</th>
<th>Fax</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Duty Inspector</td>
<td>The Duty Inspector</td>
<td>Fish Health Inspectorate</td>
<td>Fish Health Inspectorate</td>
<td>Marine Scotland Science</td>
<td>PO Box 101</td>
</tr>
<tr>
<td>Tel: 01224 295525</td>
<td>Tel: 01224 295525</td>
<td>Fax: 01224 295620</td>
<td>Fax: 01224 295620</td>
<td><a href="mailto:ms.fishhealth@scotland.gsi.gov.uk">ms.fishhealth@scotland.gsi.gov.uk</a></td>
<td><a href="mailto:ms.fishhealth@scotland.gsi.gov.uk">ms.fishhealth@scotland.gsi.gov.uk</a></td>
</tr>
</tbody>
</table>

* If the number of fish lost is unknown at this point please submit a further final notification form once the losses have been established.
Explanatory note for persons wishing permission to use electro-fishing equipment, nets, traps or otherwise illegal devices to catch salmon or freshwater fish for scientific purposes, to protect, improve or develop stocks of fish or to conserve any creature or other living thing.

This note is intended to assist persons wishing to apply for permission to use otherwise unlawful methods of fishing to fish for or take salmon or freshwater fish for scientific purposes, for the purpose of protecting, improving or developing stocks of fish or to conserve any creature or other living thing.

There are different arrangements for salmon and sea trout and for freshwater fish; these are outlined separately below.

**Salmon and Sea trout**

1. Under section 27 of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003, district salmon fishery boards may permit the use of electro-fishing equipment and certain otherwise illegal methods of fishing for or taking salmon or sea trout. Boards can also authorise the taking of juvenile fish and fish which are unclean or unseasonable, i.e. fish who have spawned or are about to spawn. This permission may only be given if the proposed actions are for scientific purposes; or for the purpose of protecting, improving or developing stocks of fish; or for the purpose of conserving any creature or other living thing.

2. Application for permission to carry out any of the above acts should be made to the relevant district salmon fishery board.

3. If there is no district salmon fishery board for the area in which you propose to fish, the application should be made Marine Scotland (Scottish Ministers also have a power to authorise such acts). There are different application forms for:

   3.1 use of electro-fishing equipment;
   3.2 use of nets or traps

4. If you propose to take salmon during the weekly close time (6.00pm Friday – 6.00am Monday) or the annual close time (this varies from district to district), you will require the permission of Scottish Ministers; district boards
have no powers to authorise that. Applications should be made to Marine Scotland.

**Brown Trout and other Freshwater Fish**

5. Under section 2 of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003, the only lawful method of fishing for or taking freshwater fish in inland waters is by rod and line except that:

5.1 in any inland water, a proprietor or occupier of the fishing right may fish for or take freshwater fish other than brown trout by net or trap; and

5.2 in any pond or loch where all the proprietors are so agreed, a right of fishing for freshwater fish (including brown trout) may be exercised by net

6. However, under section 28 of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act, Scottish Ministers can permit the use of electro-fishing equipment or other otherwise unlawful methods for scientific purposes or for the purpose of protecting, improving or developing stocks of fish.

7. There is no formal requirement to consult the district salmon fishery board but applicants are recommended to discuss their proposals with the relevant board if the fishing is to be done in waters where wild salmon or sea trout are present.

8. Applications for permission to use otherwise unlawful methods for these purposes should be made to Marine Scotland. There are separate application forms for:

   - use of electro-fishing equipment;
   - use of nets or traps.

**General**

9. Completed application forms should be emailed or faxed to Marine Scotland:

   Fax: 0131 244 6512
   e-mail: escapes@scotland.gsi.gov.uk

   For further information may be obtained by calling Marine Scotland on:
   0131-244 6229
Application for Permission to Net or Trap Salmon or Freshwater Fish

Before completing this application, please read the explanatory note which accompanies this form.

1. Applicant *(Please use BLOCK CAPITALS)*

Name

Address

Daytime telephone no.: Fax no.: 

E-mail

2. Name of person or persons who will use the equipment if different from the applicant

2a. MARINE SCOTLAND INCIDENT NUMBER (for recovery of escaped fish)

3. Will you be using nets or traps? *(Please tick appropriate box)*

Nets Traps

Please specify netting or trapping method; and, if a fixed trap, provide a plan and mode of operation. *(Give full details below and continue on a separate sheet if necessary)*
4. Waters in which netting or trapping will take place

Name of salmon fishery district
Please give specific details of the site(s) including grid references.

5. Period for which permission is required

6. What species do you intend to catch and how many?

7. Purpose for which permission is required
Please give full details below (continue on a separate sheet if necessary)

8. What will happen to the fish? (Please tick appropriate box)
Returned to the water □ Retained alive □ Killed □

9(a) Have you consulted the relevant District Salmon Fishery Board(s) for the area in which you propose to fish? (Please tick appropriate box)
YES □ NO □ No board in existence □

9(b) If the application relates to salmon or sea trout, have you obtained the Board’s written permission? (Please tick appropriate box)
YES □ NO □ No board in existence □
10. Have you obtained the written permission of all affected proprietors and tenants of fishing rights, including riparian owners? (Please tick appropriate box)

YES ☐ NO ☐

DECLARATION

11. I declare that all the above particulars are correct to the best of my knowledge

Signature ___________________________

Date ___________________________

Please return completed form to:

Scottish Government
Marine Scotland
Salmon & Recreational Fisheries
Area 1B-North
Victoria Quay
Edinburgh
EH14 1TY
Tel: 0131-244 6229
Fax: 0131 244 6512
e-mail: escapes@scotland.gsi.gov.uk