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Dear Sir/Madam

**Beaully District Fishery Board
Aquaculture & Fisheries Bill Consultation Response**

I write on behalf of the Beaully District Fishery Board in response to the above Bill. Our response is restricted to Section 4 and Section 6 of the consultation document. We are broadly in support of the general comments made by the Association of Salmon Fishery Boards in their response document. However we would make the following specific and additional comments.

Section 4

Q.23 *Do you agree that we should introduce a specific duty on Boards to act fairly and transparently?*

We believe this is already the case, given that Boards act under statutory powers provided by the 2003 Act. We are satisfied that the Code of Practice which has been developed by ASFB and which this Board supports, will be sufficient to demonstrate fairness and transparency. We would be opposed to any statutory or regulatory burdens being imposed which would provide limited additional benefit, but could result in significant additional cost.

Q.24 *Do you agree that there should be a Code of Good Practice for wild salmon and freshwater fisheries?*

This Board has supported the development of a Code of Good Practice by ASFB. This Board already invites a representative from SNH to attend Board meetings, although in recent years only one meeting has been attended by SNH. We have not been in favour of an obligation to involve statutory organisations, but are happy to consult with them on an as and when required basis.

Q.25 *Do you think such a Code of Practice should be statutory or non-statutory?*

We believe that the Code should be non-statutory in a similar manner to recent codes developed for the deer management industry etc. We do not believe that there are grounds for introducing a statutory code and believe that the current arrangements on the whole work well.

Q.26 *Do you agree that Scottish Ministers should have powers to introduce a statutory system of carcass tagging for wild Atlantic salmon and sea trout?*

Yes we would support this.



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Q.27 *Do you agree that Scottish Ministers should have powers to take or require fish and/or samples for genetic or other analysis?*

The Ness and Beaulieu Fisheries Trust is already undertaking genetic analysis research and we would be in favour of this continuing to be undertaken on a voluntary basis in the first instance. However, should it prove necessary for Marine Scotland scientists to obtain genetic samples for the benefit of catchment management or conservation measures, then we would not be opposed to this. However, this should only be undertaken in full consultation with the fishery board concerned.

Q28. *Do you agree that Scottish Ministers should have powers to initiate changes to Salmon District Annual Close Time Orders?*

We believe that such powers should only apply where there is no District Salmon Fishery Board in place. This does not preclude Marine Scotland from approaching a District Salmon Fishery Board and proposing changes to Close Time Orders if they think this necessary, but the principle of local management should apply and this should not be imposed upon a District Salmon Fishery Board against their consent.

Q29. *Do you agree that Scottish Ministers should be able to promote combined salmon conservation measures at their own hand?*

It is not clear from the consultation document why such a power may be required. Again, if Marine Scotland scientists have concerns regarding conservation measures in a particular district, we would expect them to raise these with the relevant Board. We believe that the relevant Board should have the final say on any conservation measures.

Q30. *Do you agree that Scottish Ministers should be able to attach conditions, such as monitoring and reporting requirements, to statutory conservation measures?*

Beaulieu District Fishery Board is a small Board with no direct employees and an annual budget of circa £15,000. The placing of reporting requirements and monitoring requirements could therefore be disproportionate to the scale of the Board's activities. It should be noted that the Board works closely with the Ness & Beaulieu Fisheries Trust which already has a rolling three year management plan involving various monitoring provisions within the catchment. We believe that this approach is sufficient and ensures that conservation measures proposed by the Board are well informed.

Q31 *Do you agree that we should introduce statutory provisions related to mediation and dispute resolution, to help resolve disputes around salmon conservation, management and any related compensation measures?*

We would support the response provided by ASFB, i.e. we are not in favour of this.

Q32. *Do you agree that there should be a legal requirement to provide comprehensive effort data for rod fisheries?*

As stated by ASFB in their response, we cannot see how this could be quantified in any meaningful way. We would also be concerned about the additional burden involved in trying to collect such information from proprietors, either directly by Marine Scotland or by District Fishery Boards.

Q33. *What additional information on the fish or fisheries should proprietors and/or Boards be required to collect and provide; and should this be provided routinely and/or in specific circumstances?*

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Whilst we acknowledge it is useful for as much information as possible to be collected regarding wild fish stocks, we would be concerned about additional regulatory burdens being placed upon small Boards as outlined in previous comments above.

Q34. *Should Scottish Ministers have powers to require Boards and/or proprietors or their tenants to investigate and report on salmon and sea trout and the fisheries in their district?*

It is not clear from the consultation document what exactly Boards and/or proprietors would be required to investigate and how such investigations might be paid for. In the absence of this information, we therefore cannot support this proposal. This Board already complies with the licensing arrangements for the stocking of fish species.

Q35 and 36. *Do you agree that Scottish Ministers should have powers to recall, restrict or exclude the jurisdiction of Boards in relation to fish introductions, in certain circumstances?*

The question of licensing of fish introductions is already covered by statutory regulations. Any Board therefore undertaking such licensing is acting under Statute and is therefore liable for its actions. We are therefore not convinced that there should be additional powers for Scottish Ministers to recall such jurisdiction, unless it can be shown that a specific Board has acted in contravention of the regulations.

Section 6

Q46. *Do you agree that there should be enabling provisions for Scottish Ministers to provide, through secondary legislation, for both direct and more generic charges for services/benefits arising from public sector services and activities?*

Whilst we appreciate that certain services may have to be paid for, it is not clear from the consultation document what services this may refer to. At present SEPA has a charging scheme in place for CAR licence measures and, in certain circumstances, these charges are entirely disproportionate. We believe that charges should only be applied where there is no clear overall public benefit from the activity proposed or the service being provided and we would also wish to reiterate that such charges should be proportionate to the activity or the service involved.

Thank you for the opportunity to respond to this consultation.

Yours faithfully



Alastair Campbell

Clerk

Beaulieu District Fishery Board