

LICENSING THE USE OF OTHERWISE ILLEGAL FISHING METHODS AND TIMES



FISHING USING A FYKE NET

Common tasks requiring a license:

A number of activities carried out by fisheries managers require a licence, including the following:

- Electro fishing
- Fishing using nets
- Fishing using traps
- Fishing by rod and line during the close time
- Operations which will disturb salmon redds
- Operations using poisons e.g. rotenone

Why are these activities controlled?

The indiscriminate or improper use of many of the above methods of capture can lead to disturbance of local fauna and possibly impact, at a population level, species found at the site of deployment either through removal, or accidental mortality. They are also likely to entail the by-catch of species other than those actually targeted.

Legislation

Under the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 and The Scotland Act 1998 (River Tweed) Order 2006, licences can be issued for scientific or fisheries management purposes for methods of fishing for salmon, which includes sea trout, or freshwater fish, which would be otherwise illegal. For salmon the relevant enabling sections of the Consolidation Act 2003 are 27 & 29, and of the River Tweed Order 2006 sections 48 & 50. For other freshwater fish the relevant sections are 28 & 49 of the respective legislation.

In addition to the above The Freshwater Fish Conservation (Prohibition on Fishing for Eels) (Scotland) Regulations 2008 makes it an offence to fish for or take eels of the species *Anguilla Anguilla* (any method at any time) except under the authority of a licence granted by the Scottish Ministers.



ELECTROFISHING

Who can issue licenses?

Marine Scotland Science acting on behalf of the Scottish Ministers, District Salmon Fishery Boards and the River Tweed Commission are the Licensing Authorities. District Salmon Fishery Boards are able to issue licences for operations taking place within their districts but only in the case of salmon and sea trout. Written permission issued by The Scottish Ministers is required in every other case; the only exception being within the area covered by the River Tweed Commission which issue licences under legislation specific to the Tweed. All fishing operations due to take place during weekly or annual close times must apply for a licence to the Scottish Ministers. Or in the case of the River Tweed area the River Tweed Commission

Example

A survey team, operating on behalf of a District Salmon Fishery Board, are planning to electrofish the lower stretches of a well known salmon river. The team know that they are bound to encounter a number of fish species other than the salmon and trout that are their main interest. As a number of different species are likely to be caught for examination, for the survey work to be lawful, a license issued by Marine Scotland Science on behalf of The Scottish Ministers will have to be obtained.

How to apply to Marine Scotland Science for a license:

Application forms and further guidance can be found at the following web address:

www.scotland.gov.uk/Topics/marine/Licensing/fishintros/methods

The application form must be printed off and completed manually before submitting to Marine Scotland.

Forms can also be obtained by telephoning, e-mailing or writing to the following:

Licensing, Freshwater Laboratory, Faskally, Pitlochry, Perthshire. PH16 5LB

☎ 01224 294400

✉ MSSFFLicensing@gov.scot