

Executive Note

The Conservation of Salmon (Collection of Statistics) (Scotland) Regulations 2006 SSI/2006/572

The above instrument is made by the Scottish Ministers in exercise of the powers conferred upon them in sections 38(1) and (5)(a) of, and paragraph 7(b) of schedule 1 to, the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003.

Introduction

1. Under section 38(1) of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003, The Scottish Ministers may make regulations if they consider it is necessary or expedient to do so for the conservation of salmon. .
2. This order is made in accordance with the provision of sections 38(1) and (5)(a) of, and paragraph 7(b) of schedule 1 to, the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003. The order is subject to negative procedure in the Scottish Parliament.

Legislative background

3. As a result of enquiries by the Association of Salmon Fishery Boards of how district salmon fishery boards could collect catch data to enable more reactive fisheries management the Scottish Ministers concluded that it would be expedient to introduce regulation to enable district salmon fishery boards to collect statistics from their proprietors should they so wish.
4. The objective in these Regulations is to enable district salmon fishery boards to collect information similar to that already collected by the Scottish Ministers under section 64(1) (b) of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 and to use the raw data for the purpose of fishery management.

Policy objective

5. The overall policy objective is to further and improve fishery management in freshwaters in Scotland.

Content of the Regulations

6. These Regulations allow district salmon fishery boards to require proprietors or occupiers of salmon fisheries within their district to provide them with certain statistics. This is done by notice given by post (regulation 2).

7. The statistics which proprietors or occupiers may be required to provide relate to the number, species, description and weight and method and date of capture of salmon caught and caught and released in each calendar month within a specified period. The notice requiring the information must specify the period for which the statistics are required. The period cannot exceed 12 calendar months immediately prior to the calendar month in which the notice is given (regulation 2(1)).

8. There must be at least 6 months between notices given under regulation 2 (regulation 2(2)).

9. Regulation 3 requires a proprietor or occupier of a salmon fishery to comply with a notice under regulation 2(1) to supply statistics within 28 days of the date notice was given. Section 38(7)(b) of the 2003 Act provides that any person who fails to comply with a requirement under regulations made under section 38 of the Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale. At the time of coming into force of these Regulations level 4 on the standard scale is £2,500.

10. Section 69 of the 2003 Act defines “district”; “district salmon fishery board”; “fishery” and “salmon fishery”; “proprietor”; “salmon” and “salmon fishery district”.

Financial Implications

11. There are no financial implications for the Scottish Executive.

Scottish Executive Environment and Rural Affairs Department
November 2006

Regulatory Impact Assessment

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Purpose and intended effect

1. These regulations allow district salmon fishery boards to collect statistical information from proprietors within their district for management purposes. Early access to this information will allow fishery managers to make early decisions regarding management of their fisheries.

Background

2. Currently statistics are collected by Fisheries Research Services and following a period of quality review are published as the official catch statistics for Scotland around October each year.

3. Fishery managers have argued that to enable them to make informed and reactive decisions district salmon fishery boards should be able to collect raw data direct from proprietors within their district.

Rationale for Government action

4. To avoid each individual district salmon fishery board applying for regulations applicable to their district the Scottish Ministers decided that would be expedient to create a general power for district salmon fishery boards to collect information should they so wish.

Costs and benefits

5. There are no additional costs on the public purse. Any additional costs on district salmon fishery boards will be the cost of collecting the information should they so wish. Proprietors already collect the information needed and the only additional cost will be the cost of providing it to the boards.

6. Better information available will enable district salmon fishery boards to make fishery management decisions in a shorter timescale.

The Scottish Executive
November 2006.