

EXECUTIVE NOTE

THE CONSERVATION OF SALMON (RIVER ANNAN SALMON FISHERY DISTRICT) (SCOTLAND) REGULATIONS 2012

SSI 2012/6

Purpose of the instrument

1. The Conservation of Salmon (River Annan Salmon Fishery District)(Scotland) Regulations 2012 (“the 2012 Regulations”) contain provision for the conservation of salmon in the River Annan salmon fishery district. The 2012 Regulations prohibit the use of organic bait and hooks when fishing for salmon and sea trout and require the catch and release of any salmon caught in the district during the period 25 February to 31 May (both dates inclusive) for a period of 5 years.

Legislative context

2. Section 38(1) of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 (“the 2003 Act”) enables Ministers to make Regulations if they consider it necessary or expedient to do so for the conservation of salmon (as defined in section 69(1) of the 2003 Act) as commonly known as salmon and sea trout. Section 38(5)(b) of the 2003 Act enables such Regulations to prohibit the use of specified baits and lures for the purposes of the definition of “rod and line” in section 4 of the 2003 Act.
3. The River Annan District Salmon Fishery Board applied for statutory conservation measures in terms of section 38 of the 2003 Act to apply at specified times for a period of 5 years. Following receipt of the application, and in accordance with paragraphs 10 and 11 of Schedule 1 to the 2003 Act, Ministers consulted with such persons as they considered appropriate on the application and directed that the Board give notice of the effect of its proposals by way of advertisement. In accordance with paragraph 12 of Schedule 1 to the 2003 Act, Ministers considered an objection received in relation to the application and determined to alter the application to prohibit the use of organic bait and barbed hooks when fishing for salmon and sea trout in the River Annan district at specified times in the year.

Policy background

4. The vision for Scotland is to have sustainably managed freshwater fish and fisheries resources that provide significant economic and social benefits for its people. The Scottish Government pursues policies that conserve wild salmon and seeks to enhance stocks for future generations. The Scottish Government seeks to do this in partnership with local managers and others based on the best available scientific advice.
5. The Conservation of Salmon (River Annan Salmon Fishery District)(Scotland) Regulations 2005 (SSI 2005/37) made provision for statutory salmon conservation measures in the district which expired in 2010. Since then, a voluntary catch and release code for fishermen has been in place, but a significant minority of anglers are believed to have failed to comply with that code. In consequence, the Board considers that the spring component of salmon stocks is declining. The 2012 Regulations seek to address this by

prohibiting the use of baits that particularly attract salmon and sea trout and by requiring the mandatory release of any salmon caught in the period 25th February to 31st May. Ancillary to that is a prohibition on the use of barbed hooks during this period, which will facilitate the release of any salmon caught.

Consultation

6. Following the statutory public consultation of the Board's proposals under paragraphs 10 and 11 of Schedule 1 to the 2003 Act, a single objection was received. However, it is considered that the objection did not outweigh the case made by the Board for statutory conservation measures, which was supported by consultees, and on balance, it is expedient and proportionate to make the measures sought.

Impact and financial effects

7. Although fishing will be restricted to a catch and release basis for the period specified in regulation 5 of the 2012 Regulations, proprietors in the Annan district will continue to be able to exercise their heritable rights with minimal interference and can continue to offer fishing opportunities, albeit on condition of catch and release for salmon only and only during specified periods in the year. The Board, as local managers, will keep the status of the stocks under review and assess the effect of and continuing need, if any, for statutory measures.

**Marine Scotland,
Scottish Government,
January 2012**