

Final Business and Regulatory Impact Assessment

Title of Proposal

- The Conservation of Salmon (River Annan Salmon Fishery District) (Scotland) Regulations 2012

Purpose and intended effect

Background

- The River Annan District Salmon Fishery Board (the Board) applied for salmon conservation measures for the Annan district under the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 (the 2003 Act). The Board had concern about the level of spring stocks within the Annan system. Previous statutory regulations for 2005, restricting fishing to a catch and release basis in the spring, ceased to have effect in 2010. Whilst the Board, supported by the majority of the rod fishery proprietors, have advocated a voluntary code of catch and release for the last couple of years a significant minority of anglers have not complied. A voluntary code remains in place with the local net fisherman. To offer a measure of protection to the spring component the regulations will take effect from the start of the season on 25 February to 31 May, for a limited period of 5 years.

Objective

- The vision for Scotland is to have sustainably managed freshwater fish and fisheries resources that provide significant economic and social benefits for its people. Scottish Government pursues policies that conserve and seek to enhance wild salmon 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.

Rationale for Government Intervention

- The Board have followed the agreed fisheries management assessment method presented in full to NASCO in the European Union: UK Implementation Plan. The rod catch assessment tool identified that management action should be considered for the spring component of the Annan stock. The evidence in support of the application suggested that the spring component of salmon stocks in the Annan district had shown a steep decline and remained at a critical level. A compulsory catch and release policy will provide a measure of protection for the spring salmon stocks. This would be complemented by prohibiting organic bait and barbed hooks to minimise the opportunities to attract fish and any damage to fish caught.

Consultation

Within Government

- We have consulted with Marine Scotland Science colleagues who are supportive of the Board's application.

Public Consultation

- Following the statutory public consultation under paragraph 11 of Schedule 1 to the 2003 Act a single objection was received. The proprietor objected on the basis that they were not aware that the previous statutory and voluntary conservation measures had had any positive effect and their fishing experienced a slump in sales when they were in place. On that basis they felt further restrictions were not necessary. The Board stated that the previous measures ensured that the critical level of spring stock remained stable. The responses to the statutory consultation and objection in relation to the public advertisement were considered and it was determined that the matters raised in the objection did not outweigh the case made by the Board for statutory conservation measures. On balance, it was considered expedient to make the measures sought by the Board for a fixed period and for a limited duration, and that any interference with proprietor's fishing rights was proportionate in all the circumstances.

Business

- The Board held discussion with proprietors in the district to make them aware of the rationale for the proposed statutory conservation measures and undertook the necessary statutory public consultation which was advertised in the local press.

Options

The options considered are:

- Option 1 – do nothing
- Option 2 – advocate a further code of voluntary catch and release
- Option 3 – introduce statutory conservation measures whereby the rod and line fishery is subject to mandatory catch and release for a limited period in each year. This would be complemented by prohibiting the use of organic bait and barbed hooks, thereby minimising opportunities to attract fish and any damage to the fish caught.

Sectors and groups affected

The sectors and groups affected are:

- Proprietors
- Anglers
- Local businesses who provide services to anglers

Benefits & Costs

The previous statutory measures ensured that the critical level of spring stock remained stable. Although fishing will be restricted to a catch and release basis all proprietors will still be able to exercise their heritable rights with minimal disruption by offering their fishing, albeit on a condition of catch and release. This will offer a measure of protection to the spring component to ensure that proprietors can continue to offer spring fishing for future generations to enjoy and the economic benefits this will bring.

Scottish Firms Impact Test

- The competition assessment is not directly applicable as all fisheries in the district are subject to the same requirements. There are no new business forms required.

Legal Aid Impact Test

- There is no impact on legal aid.

Enforcement, sanctions and monitoring

- For all options the enforcement, sanctions and monitoring would remain the same as those under at Part 5 of the existing 2003 Act. There are specific offence provisions in section 38(7) of the 2003 Act in relation to option 3.

Implementation and delivery plan

- The Board, as local managers, will draw proprietors and others attention to the requirements of the regulations, as part of ongoing communications with parties, on its website: www.annanfisheryboard.co.uk and otherwise as seems appropriate.

Post-implementation review

- 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 the statutory measures.

Summary and recommendation

- Recognising the pressures on the early running spring component of the salmo salar stocks, it is considered that a no kill policy for a limited period of 5 years may allow the stocks to recover. It is recommended that conservation regulations introducing catch and release for salmo salar and baits and lure regulations for salmo salar and migratory trout are introduced for a limited period of time.

Declaration and publication

I have read the impact assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed:**Date:****Minister for the Environment and Climate Change****Scottish Government Contact point: Fiona Hepburn**