

POLICY NOTE

THE SALMON CARCASS TAGGING (SCOTLAND) REGULATIONS 2016

SSI 2016/116

Purpose of the Instrument

1. The Salmon Carcass Tagging (Scotland) Regulations 2016 ('the Regulations') make provision for and in connection with tagging the carcasses of salmon within inland waters in Scotland. The 2016 Carcass Tagging Regulations require that any salmon caught in inland waters, other than by rod and line, will be tagged. The Regulations also make provision regarding the nature and form of the tags and for record keeping.

Legislative Context

2. Section 21A of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 ('the 2003 Act') (introduced by the Aquaculture and fisheries (Scotland) Act 2013) enables the Scottish Ministers to make regulations for or in connection with tagging the carcasses of salmon.

Policy Background

3. During the passage of the Aquaculture and Fisheries (Scotland) Act 2013 there was broad support from stakeholders for the introduction of a carcass tagging scheme.

4. The report of the independent Wild Fisheries Review (WFR), <http://www.gov.scot/Resource/0046/00460195.pdf> published in October 2014, recommended that, in advance of consideration of the broader reform agenda for wild fisheries, Ministers take immediate action to conserve wild Atlantic Salmon by introducing as soon as practicable a ban on killing except under licence. The introduction of a carcass tagging scheme was part of the proposals.

5. The Conservation of Salmon (Scotland) Regulations 2016 are being laid along with the Regulations. The approach in the Conservation Regulations make provision requiring assessments to be made for specified areas of inland waters which will then be categorised according to their conservation status. For those areas where stock levels are low, there is a prohibition on retaining Atlantic salmon. There is also a prohibition on retaining salmon caught in coastal waters. The effect is that the tagging regime will apply only to salmon caught in-river (above estuary limits).

6. These Regulations are being made in order to diminish the availability of illegally caught wild salmon to the commercial market; protect companies legitimately operating in a commercial market and improve statistical data and provide a further layer of audit to the catch data currently provided to Marine Scotland.

Consultation

7. Since February 2015, Ministers have conducted a series of linked public consultations on proposed conservation measures to regulate the killing of wild salmon including a carcass tagging scheme

<http://www.gov.scot/Topics/marine/Salmon-Trout-Coarse/fishreform/licence/documents>.

This included a consultation around the Strategic Environmental Assessment – Environmental report was undertaken. Marine Scotland officials also participated in a number of drop in sessions coordinated alongside the wild fisheries reform agenda and an online dialogue discussion was conducted for a full week, exploring a number of issues identified during the consultation process (including carcass tagging) and during the discussion forum itself. These Regulations were notified to the European Commission under the Technical Standards Directive (EU) 2015/1535 (replacing Directive 98/34/EU). The Regulations make provision regarding the nature and form of a salmon tag which are technical requirements and technical standards under the Directive.

8. Ministers listened to, and acted upon, these concerns and consulted on revised conservation measures including carcass tagging while still retaining the fundamental principle that any killing of wild salmon - a protected species – must be sustainable and does not present a threat to vulnerable stocks. In particular the

Impact and Financial effects

9. A separate **Business and Regulatory Impact Assessment (BRIA)** has been prepared for these Regulations.

Wild Salmon and Recreational Fisheries
Marine Scotland
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