



RIVER TWEED COMMISSION THE NORTH COURT DRYGRANGE STEADING MELROSE ROXBURGHSHIRE TD6 9DJ  
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Established by Order under an Act of Parliament to protect the fish stocks in the Tweed river system

Ms Fiona Hepburn  
Marine Scotland  
Salmon and Recreational Fisheries Team  
Area 1B North  
Victoria Quay  
EDINBURGH  
EH6 6QQ

10<sup>th</sup> November 2015

Dear Ms Hepburn

**BAN THE KILLING OF WILD SALMON EXCEPT UNDER LICENCE AND ACCOMPANYING CARCASS TAGGING SCHEME**

Scottish Ministers propose to make an order under Article 54 of The Scotland Act 1998 (River Tweed) Order 2006 to regulate the killing of wild Salmon in the Tweed District including a prohibition on the taking of Salmon out-with inland waters\* the general effect of which will be to:

1. Prohibit the taking of Atlantic Salmon out-with inland waters which will be reviewed after 3 years.
2. Allow the killing of wild Salmon within inland waters where stocks are above a defined conservation limit.
3. Introduce mandatory Catch and Release in areas which fall below their defined conservation limit following the annual assessment of Salmon stocks.
4. Require the production of a conservation plan in conjunction with Marine Scotland in areas which fall below their defined conservation limits following the annual assessment of Salmon stocks, i.e. in areas where the conservation limit has been met in 3 out of the 5 years or less.

*(\*Inland waters include all rivers above estuary limits and their tributary streams, and all waters, watercourses and lochs whether natural or artificial which drain or drain to some extent into the sea. The coastal limits of the estuary of the Tweed are currently, in the north, high water mark on the boundary between Scotland and England and, in the south, grid reference NU 0483246702, which is the northern boundary of the Cheswick coastal fishery.)*

The River Tweed Commission (RTC) AGREES that Scottish Ministers should make conservation regulations under the above Order to regulate the killing of wild Salmon in the Tweed District for conservation reasons and this should be a straightforward, clear and consistent framework which would:

- a) Prohibit the killing of Salmon in the sea outwith the estuary limits, which are Salmon of mixed stock and is accordance with internationally recognised best practice.
- b) Introduce carcass tagging for commercially caught Salmon, which it understands are for fish which may be sold, because this will help control the introduction of illegally taken fish to the market.

The RTC further AGREES that the killing of wild Salmon in the Tweed District should only be permitted where stocks are above conservation limits and that the RTC should produce a conservation plan in the event that the annual assessment showed that Salmon stocks had fallen below their defined conservation limits. However, as both Marine Scotland and RTC consider Tweed's Summer and Autumn Salmon stocks to be above their

conservation limits, the RTC does not consider there to be any current justification for including in a Conservation Order further restrictions on the killing of Salmon in the inland waters of the Tweed District.

#### Further Comments

- A. The proposal asserts that Tweed's Salmon stocks have declined over the last few years and that this is the reason for the proposals; Tweed stocks, which are separate from the rest of Scotland, have not declined and therefore before an Order is issued the basis for it should be clearly established with specific reasons.
- B. The RTC has a long record of introducing effective management strategies on the Tweed through voluntary measures, for example its Angling Codes and especially its Spring Salmon Conservation Measures, which have been in place for 17 years. These are based on sound science and have the advantage of both grass roots support and trust from anglers, and for them to be swiftly changed if there is a requirement. Legislative measures are less flexible and have less local support. The RTC considers that voluntary measures should be recognised as the first course of action in management control of Tweed fisheries and that mandatory enabling powers should be sought only if voluntary measures are shown to be ineffective.
- C. The RTC believes that the definition of 'conservation limits' and 'annual assessment' should be agreed before any Order is introduced that would give the terms legal force.
- D. A "conservation plan", as described, is only required for stocks when they do not meet their conservation limits.
- E. The Scotland Act 1998 (River Tweed) Order 2006 defines Salmon as including Sea-trout. The RTC believes that stocks of Salmon and Sea-trout should be assessed separately and notes that its voluntary measures can (and do, currently) implement different killing policies for the different species.

RTC WELCOMES the invitation to the Tweed Foundation's biologists (The Tweed Foundation provides fisheries management advice to the RTC) to work with Marine Scotland Science (MSS) and biologists from other rivers in Scotland. The accuracy and value of conservation limits will entirely depend on the availability of good, local data some of which the Tweed Foundation already generates though limited by its available resources. It is hoped that, in association with MSS and with appropriate additional resources, the Foundation will in future be able to produce the complete set of necessary data.

The RTC fully agrees with the introduction of a system which signals to Scottish Ministers changes in conservation status consistent with the rest of Scotland. Under the current legislation the RTC considers this would be better dealt with by a Memorandum of Agreement between the RTC and the Scottish Government and looks forward to working with them to this end.

Yours sincerely



N P YONGE  
CLERK TO THE COMMISSION