

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

1. In terms of paragraph 9 of Schedule 2 to The Scotland Act 1998 (River Tweed) Order 2006 (the 2006 Order) notice is hereby given that the Scottish Ministers propose to make an order under article 54 of the Act to introduce a licensing system for the killing of wild salmon in Scotland and a prohibition on the taking of salmon outwith inland waters within the Tweed District¹. This follows the 12 week public consultation seeking views on a ban on the killing of wild salmon except under licence together with an accompanying carcass tagging scheme and the potential for restrictions on the use of baits and lures. The general effect of this proposal will be:
 - a. to prohibit the taking of Atlantic salmon outwith inland waters
 - b. to prohibit the killing of salmon in Scotland without a licence
2. The licences will limit the number of fish which may be taken by the licence holder in a specified area. The Scottish Ministers will have the power to amend, suspend or revoke a licence and applicants, or licence holders, will have the right to challenge decisions made by the Scottish Ministers.
3. Under article 54(7) of the 2006 Order it is an offence to act in contravention of the regulations or to fail to take any action required to comply with a requirement of the regulations. If a person is found guilty of such an offence they will be liable to a fine not exceeding level 4 on the standard scale.
4. Salmon continue to face many pressures in the marine and freshwater environment and the latest Marine Scotland Science stock status report for 2014 shows a decline in stocks over the last few years www.gov.scot/Publications/2015/04/6918/downloads. The proposed licensing system will provide a new mechanism for the Scottish Ministers to control the killing of wild salmon ensuring that where harvesting of stocks takes place it is sustainable.
5. It is envisaged that applications will be assessed using the best available information on the number of returning salmon over a five year period. Assessments will be made on the basis of fishery districts with special considerations to be taken into account for special areas of conservation under the Habitats Directive (“SACs”). If the estimated number of returning salmon is greater than that required to meet the conservation objective there is a harvestable surplus and a licence may be issued. Any harvestable surplus will be allocated between fisheries within a district/SAC in line with their respective catches considered over a five year period. This will be subject to review.
6. The regulations will be reviewed alongside the progression of emerging recommendations from the wild fisheries reform programme.

¹ The Tweed District is defined in article 2 of the Scotland Act 1998 (River Tweed) Order 2006.

7. The licensing regime will be accompanied by a carcass tagging scheme to aid enforcement of any kill licence granted. The carcass tagging scheme will require that any salmon taken must have an individually numbered tag affixed to the carcass.
8. During the 12 week consultation we also sought views on the restriction of certain baits and lures to aid the safe release of any salmon caught by rod and line. It is clear from our consultation that there is a wide range of views on the use of baits and lures, good practice guides and the existing voluntary restrictions on their use. We intend to consider further before looking to progress any future legislation
9. In parallel, Marine Scotland launched a week long online discussion forum today on the detail of the kill licence regime, including the application process, context and parameters; and accompanying carcass tagging scheme and further views on the use of baits and lures. Details of how to participate can be accessed on the Marine Scotland website: www.gov.scot/Topics/marine/Salmon-Trout-Coarse/fishreform/licence
10. Representations or objections in respect of the proposed conservation regulations should be submitted by 19 August 2015 using the contact details below. Representations shall include, where relevant, details of any financial implications particularly related to loss of income.

Fiona Hepburn
Marine Scotland
Salmon and Recreational Fisheries Team
Area 1B North
Victoria Quay
Edinburgh
EH6 6QQ
Email: salmonandrecreationalfisheries@scotland.gsi.gov.uk