Wild Fisheries Reform (“WFR”) Update

**Brief Background**

January 2014 - Wild Fisheries Review announced– **largely a political initiative**, more concerned with Fisheries Management, “Angling for All”, Government control etc., with “conservation” somewhat of a by-product.

June 2014 – Conservation measures highlighted as a feature of the Review. This is widely acknowledged to be **in direct response to EU threats of sizeable fines** for Scot Gov failing to meet its international salmon conservation obligations.

The Review, allied to the Conservation Measures imperatives, has resulted in the evolution of the current Wild Fisheries Reform.

**The Legislation**

Conservation measures are to be established under existing legislation, the Salmon and Freshwater Fisheries (Consolidation)(Scotland) Act 2003.

Fisheries Management is proposed as new legislation, intended to establish a new framework for “all freshwater species’ management, within the envelope of a National Strategy for Wild Fisheries.

**Conservation measures**

Initially proposed as Licences to Kill, together with Carcass Tagging – this was abandoned, after it became obvious that the system was completely unworkable. The successor to LtK is not much of an improvement, but it’s what we are stuck with for 2016!

As all will know, the majority of Scottish rivers have been graded as Category 3, thereby 100% Catch and release for all fisheries thereon (Source to Estuary). The legislation is **ridiculously vague** on basic aspects, such as ‘the underlying science’, ‘enforcement’, and, crucially, ‘re-grading’ of rivers.

**Fisheries Management**

Draft provisions for a Wild Fisheries (Scotland) Bill/Draft Wild Fisheries Strategy were published on 8th February 2016. As per usual, the legislative process commences with a formal period of Consultation, running until 2nd May 2016. The preface to the proposals stresses that there are many aspects which still remain open for amendment/refinement, so whether you believe that or not, it is important to put in comments before 2nd May!

The scope of the legislation is wide-ranging – covering the **management of all freshwater species** (not just salmon and sea trout); the creation of Fishery Management Areas (FMAs) across Scotland; **the establishment and financing of Fishery Management Organisations** (FMOs), effectively replacing the existing District Fishery Boards and Fishery Trusts; the **enforcement of fishery and fishing regulations**, with powers for Water Bailiffs and River Wardens.

Current understanding is that the legislative process will form part of the programme for government for the next parliament, and that legislation may be introduced in phases from mid to late 2017.

**Practical Considerations for Category 3 Rivers**

* The Board has written to all its proprietors – rod and line and netting – to confirm that the Conservation Limits and River Categories will come into force from 1st April 2016, and will apply for the whole of the 2016 season. The letter to proprietors stresses that proprietors need to ensure that all anglers fishing their water (whether it is the proprietor, or tenants, or guests, or ticket holders) understand that no salmon may be killed.
* Sea trout currently are not subject to the 100% Catch and Release requirement.
* Non-compliance with the 100% Catch and Release rules is an offence under the Criminal Proceedings (Reform) Scotland Act 2007, and a person found guilty of an offence under that Act would be liable to a fine of up to £2,500
* Enforcement of the regulations, presumably, is a matter for River Bailiffs, or where these are not in place, enforcement is in the hands of Police Scotland? The Urr Board continues to have access to the Nith’s fisheries enforcement officers, but this is on a ‘best endeavours’ basis.
* The rules in relation to fish that are too badly injured (predominantly “bleeding”) to be released with any prospect of survival, seem to be a requirement to put the fish into the water and trust to the river gods.
* The rules in relation to the capture and release of fish farm escapees are undefined – this goes against long-established practice of removing these ‘genetic aliens’ from the spawning stock .

It seems to be widely acknowledged (even by Marine Scotland) that the ‘scientific’ basis on which rivers have been divided into Cat 1, 2 and 3 is flawed, inconsistent and incomplete. There are undertakings to continue to review and refine the data, but whatever the processes thereto, it is **very important that all fisheries make a full and accurate return of catches** – failure to do this simply will give the Government and its advisers a cast-iron excuse to leave the category of a river unchanged beyond 2016.

* The Board will continue to work in close collaboration with Galloway Fisheries Trust to address the deficiencies and anomalies of the grading system, and to do its utmost to get the Urr’s classification as a category 3 river reappraised and hopefully reassessed. Jamie Ribbens, Senior Biologist at Galloway Fisheries Trust, is at the forefront of the discussions on the “science” underpinning the river classifications, and will give the AGM a steer on this.
* Salmon and grilse scale readings are deemed to be crucial towards a better scientific understanding of the types of fish which enter each river. The collection of scale samples will be discussed during the AGM.
* The Board will also maintain its dialogue with its Netting proprietors and their tenants to ensure that the issues in relation to Estuarial netting are given proper consideration, and are not simply swept up in the wider treatment of Coastal netting.

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