

# **A Code of Good Practice for Scotland's District Salmon Fishery Boards**

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**Association of  
Salmon Fishery Boards**

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## PART 1

# INTRODUCTION

### 1.1 Context

The Strategic Framework for Freshwater Fisheries [FRAMEWORK DOCUMENT](#) sets out a shared vision for freshwater fisheries in Scotland: **"Scotland will have sustainably-managed freshwater fish and fisheries resources that provide significant economic and social benefits for its people"**. The Strategy explains how the Freshwater Fisheries Forum Steering Group worked together to create a Strategic Framework, taking into account the interests and needs of all those with an interest in fisheries, and having regard to the four pillars of sustainability: environmental, economic, social and stewardship.

The Framework describes the context in which freshwater fisheries in Scotland operate, and lists recent policy developments and other initiatives which influence fishery management. It also expands further on the context of freshwater fisheries in relation to the four pillars of sustainability. It concludes, when discussing stewardship of the fisheries, by identifying the need to adopt an evolutionary approach to management in order to move towards the vision. Particular emphasis will be required on:

- catchment-based management of all freshwater fish species;
- the evolution, co-ordination and streamlining of existing bodies into structures that can discharge these responsibilities effectively; *and*
- the development of sustainable funding streams and appropriate legislation to ensure this work can be done effectively.

The first version of this Code of Practice was launched in 2006, prior to the formation of the Freshwater Fisheries Forum and its product, the Strategic Framework for Freshwater Fisheries. It was agreed, when launched, that this code must evolve through review, to ensure it remains contemporary, relevant and above all, credible. The existence of the ASFB/RAFTS guide promoted wider discussions within the Steering Group, which focused on the governance and administration of the fishery management bodies in Scotland. These discussions led to a specific Priority for Action (PFA) within the published strategy. The PFA Stated:

***"PROJECT 1.5 -Code of Good Practice for fisheries administration***

***The Guide to Best Practice that is currently being developed by RAFTS/ASFB will be used, if suitable, as a foundation for a Code of Good Practice for the management and administration of some other fisheries management and angling bodies."***

The publication of the Strategic Framework, and specifically, PFA Project 1.5, coincided neatly with the review of the first version of the ASFB/RAFTS Guide to Best Practice.

This 2<sup>nd</sup> version of this Code is the product of that review.

## 1.2 What does the code do?

This code sets out the key governing principles and general standards which **District Salmon Fishery Boards (DSFBs)** are expected to follow.

**DSFBs** are created by statute, and once constituted, they assume a range of statutory powers and duties, including a regulatory function in certain areas. Whilst their revenue is generated privately through fishery proprietors, there is a clear public interest in their activities which are carried out under statutory authority. Whilst **ASFB** itself has no statutory authority, it represents the views of its member boards, and as such it is reasonable that it should fall within the scope of the code.

This code relates to sound corporate governance, administration and good management of the DSFBs. Its scope **does not** generally extend to technical or scientific areas relating to fishery management or research, although some specific recommendations are given where ASFB and RAFTS have agreed formal policies in these areas – these are contained in [Section 2.9, Operations governed by specific ASFB or RAFTS Policy](#).

Links to various supplementary documents are provided at the relevant entries in the main body of the code; in addition, specific policy papers, guidance and other literature are referred to and reproduced in full at the [Annex](#).

## 1.3 Why is a code required?

It is important that fishery management organisations in Scotland operate in an accountable, transparent and logical way. As stated above, DSFBs, whilst not public bodies, are regulated by, and exercise in their own right, statutory powers and duties.

It is therefore reasonable to assume that there is some public interest in what these organisations do, the way in which they operate and what general standards and principles guide their operation.

The code will assist in the need to ensure that the fishery management structure in Scotland operates in a logical, transparent and consistent way. In broad terms, properly managed and sustainable freshwater fisheries provide clear benefits to Scotland's:

- National and local economies
- Tourism industry
- Recreational sector
- Ecological biodiversity
- Sustainable fish stocks and habitats
- Community and social inclusion
- Environmental education

Adherence to the code will ensure that there is confidence in the current structure of fisheries administration, both at national and local level. It will provide evidence of sound management

practice and will help to build confidence and encourage continued public and private investment in the sector. It will act as a reference point for all, enabling members of DSFBs to identify good practice for their own areas of operation.

This is a working document, which will be revised and up-dated to take account of newly identified good practice, changing regulatory conditions and legislation.

## 1.4 The general objectives

The general aims of the code are to ensure that DSFBs:

- Follow sound legal, administrative and governance principles to support the delivery of responsible and sustainable fish and fishery management.
- Provide acceptable standards of conduct for all persons involved in the organisations.
- Establish a sound basis for the continued development and implementation of consistent local and national fisheries policies.
- Serve as a reference and guide to assist with the development of appropriate measures to further evolve the legal and institutional framework for fishery management in Scotland.
- Promote a co-operative approach to the conservation and management of native fish and fisheries.
- Promote the protection of aquatic and riparian environments and coastal areas, including appropriate sustainable management practice that allows them to thrive.
- The economic development of fisheries inevitably imposes pressures on fisheries, which could be detrimental to fish stocks. Should fisheries promotion form part of the remit, it **should** ensure that fisheries are promoted in a sustainable way; environmentally, socially and economically.

## 1.5 Scope of the Code

- **Corporate governance of Boards**
- **Relationships between Boards and Trusts**
- **Engagement with other sectors and organisations**
- **General conduct**
- **Compliance and auditing of this code**

## 1.6 Definitions

**‘Fisheries Management’** Within this Guide fisheries management refers to the sustainable management of salmon and freshwater fish stocks, fisheries and associated habitat within Scotland, with due regard to socio-economic factors.

**‘District Salmon Fishery Boards’ (‘DSFBs’)** are the statutory management bodies for salmon and sea trout. Whilst the **River Tweed Commission** is not a DSFB, it is the equivalent of one for the Tweed salmon fishery district, it has different powers and a different constitution. However, these powers are similar to those for DSFBs and the principles, for the purpose of this code, are equivalent.

**‘Association of Salmon Fishery Boards’ (‘ASFB’)** is the representative organisation for the DSFBs.

**‘Fisheries Trusts’** Are the Fisheries and Rivers Trusts and Foundations, charitable bodies whose objects include the conservation and enhancement of all native freshwater fish and their environments.

**‘Rivers and Fisheries Trusts Scotland’ (‘RAFTS’)** is the representative organisation for the Fisheries Trusts in Scotland.

Where a recommendation in this code is expressed using the word **‘must’**, it is re-stating an existing legal obligation.

Where a recommendation in this code is expressed using the word **‘should’** it is implicit that signatories are obliged to follow the recommendation in order to remain compliant with the code.

Some actions in this code are expressed using the word **‘recommend’**, whilst there is no legal requirement to do so, such actions represent good practice and it is generally expected that signatories will follow, or follow to the best of their ability, these actions.

### **Important**

Compliance with the code does not absolve signatories of their individual or collective corporate responsibilities to meet the requirements of the law. Although reference is specifically made to key legislation, it is not intended that the code should include every piece of legislation relating to the operations of the organisations concerned. Each signatory, therefore, is responsible for the governance and management of their respective organisation and should reassure themselves that they are acting within legal and legislative boundaries at all times.

## PART 2

### DSFB CODE OF GOOD PRACTICE

**Part 2** sets out key governing principles to which DSFBs should be expected to work, covering best practice in corporate governance, accountability and transparent operation.

It defines good standards and provides DSFB members and employees with a clear framework and understanding of best practice.

Through compliance with the code, government, public bodies and the public will have greater confidence in the ability of DSFBs to discharge their statutory powers and duties in a way which is logical, accountable and clearly understood.

At a fundamental level, activities undertaken by a DSFB **must** be compliant with relevant Scottish, UK or International law. ***The onus is on each individual DSFB to ensure compliance with the relevant legislation – if guidance is required, this can be provided by the ASFB or through separate legal or other specialist advisors.***

#### **2.1 General Conduct for Board Members**

All Board members **must** first and foremost act in the interest of the Board's remit. Any personal or professional conflict of interest **must** be declared at the outset.

##### **2.1.1 Register of interests (statutory provision)**

All Boards **must** prepare and keep under review arrangements for the registration and declaration of relevant financial interests. Guidance, which includes a proforma for the register, has been produced by ASFB and may be found [HERE](#).

##### **Good conduct (advisory guidance)**

It is the responsibility of the DSFB as a legal entity, and individual elected members, to make sure that any actions of the DSFB comply with the provisions of the law and this Code. DSFBs must not at any time advocate or encourage any action contrary to the law or this Code.

**2.1.2** The general principles upon which good conduct are founded are:-

**Public Service** - members have a duty to act in the interest of the Board and in accordance with the core tasks of the Board.

**Selflessness** - members have a duty to make decisions solely in terms of the interests of the Board, you must not act in order to gain financial or other material benefit for yourself, family or friends.

**Integrity** - Members **should not** place themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

**Objectivity** - Members **should** make decisions solely on merit and based on best available information and advice.

**Accountability and Stewardship** - Members individually, and the Board as a whole, are accountable for decisions and actions. Members have a duty to consider issues on their merits, taking account of the views of others and thus ensure that the Board uses its resources prudently and in accordance with the law.

**Openness** - The Board **should** be as open as possible about decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands that this is in the best interest. Members **should** declare any private interests relating to their membership and take steps to resolve any conflicts arising in a way that protects the Board and public interest.

**Leadership** - members have a duty to promote and support these principles by leadership and example, to maintain and strengthen the public's trust and confidence in the integrity of the Board and its members in conducting its business.

**Respect** - members **should** respect fellow members of the Board and the role they play treating them with courtesy at all times.

### **Confidentiality**

Members may be required to treat discussions, documents or other information relating to the work of the Board in a confidential manner. Members may receive information of a private nature which is not yet public, or which perhaps would not be intended to be public. Members should always respect and comply with requirements to keep such information private.

It is unacceptable to disclose information to which you have privileged access, for example derived from a confidential report, either orally or in writing. In the case of other documents and information, you are requested to exercise your judgment as to what should or should not be made available to outside bodies or individuals. In any event, such information should never be used for the purpose of personal or financial gain, or used in such a way as to bring the Board into disrepute.

### **Use of Board Facilities**

Members of the Board should not misuse facilities, equipment, stationery, telephone services etc.

### **General conduct at Board meetings**

High standards at meetings are of fundamental importance to the integrity of Board business. Behaviour disruptive to the meeting should not be tolerated. Abusive or offensive language should not be tolerated and it is a matter for the Convener to rule on the acceptability of language used during the course of a meeting.



Should a member of the Board breach any aspect of general conduct, the sanctions that can be applied by the Board are as follows:

- censuring the member;
- suspending the member for the remainder of the meeting;
- suspending for a period, the member's entitlement to attend meetings of the Board;
- suspending the member's entitlement to attend any meetings of any other body on which the member is a representative or nominee of the Board.

### **2.1.3 Gifts and hospitality**

**Allowances** - members **must** comply with any rules of the Board regarding remuneration allowances and expenses.

**Gifts and Hospitality** - members **should** never canvas or seek gifts or hospitality.

Members are responsible for decisions connected with the offer or acceptance of gifts or hospitality and for avoiding the risk of damage to public confidence in your Board. As a general rule, it is usually appropriate to refuse offers except:-

- isolated gifts of a trivial character;
- normal hospitality associated with your duties and which would reasonably be regarded as inappropriate to refuse;
- gifts received on behalf of the Board.

Members **should not** accept any offer by way of gift or hospitality which could give rise to a reasonable suspicion of influence on your part to show favour, or disadvantage, to any individual or organisation. You should also consider whether there may be any reasonable perception that any gift received by your spouse or co-habitee or by any company in which you have a controlling interest, or by a partnership of which you are a partner, can or would influence your judgement. The terms "gift" includes benefits such as relief from indebtedness, loan concessions, or provision of services at a cost below that generally charged to members of the public.

Members **should not** accept repeated hospitality from the same source.

Members **should not** accept any offer of a gift or hospitality from any individual or organisation which stands to gain or benefit from a decision the Board may be involved in determining.

## 2.2 Membership & Management of Board meetings

These are governed by statute and DSFB membership, representation and governance procedures are set out in **Part 3 and Schedule 2 of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003, as amended by the Aquaculture and Fisheries (Scotland) Act 2013**. The code is not a substitute for the Act, and any points of detail **should** be referenced with the Acts. A copy of the 2003 Act may be viewed [HERE](#), and a guide to the provisions in the Act may be viewed [HERE](#). The actions in this section are a combination of 1) **legal requirements** and 2) **recommendations for good practice** (not strictly specified in the legislation) – these are respectively made clear by 1) statutory provision and 2) advisory guidance.

### 2.2.1 Board electoral (statutory provision)

Election of members from qualified proprietors, and co-optees to the DSFB, **must** be in accordance with Schedule 2 of the 2003 Act.

The election of the Convener from the representatives of qualified proprietors **must** only take place following the co-option of representatives as required by section 45(2) of the 2003 Act.

The first meeting of the Board **must** be at the date, time and place determined by the members of the Board who were elected at the meeting of qualified proprietors called under Schedule 2 to the 2003 Act, and no later than 21 days after that meeting.

**Other representatives (advisory guidance).** Whilst not a legal requirement, DSFBs **should** invite representation from other agencies such as, but not exclusively, SNH and SEPA, local fisheries interests, their Local Authority and National Park Authority onto their Boards in a non-voting capacity.

### 2.2.2 Powers and Duties of Convener (advisory guidance)

The duty of the Convener **should** be-

- to preserve order and ensure that any member wishing to speak is given due opportunity to do so and a fair hearing;
- to decide all matters of order, competency and relevancy.

The decision of the Convener on all matters referred to in this code shall be final and shall not be open to question or discussion in any meeting of the Board.

Members **should** respect the authority of the Convener.

**2.2.3 Meetings of the Board (statutory provision)** In relation to routine meetings of a DSFB, (see separate provisions below for annual meeting of qualified proprietors and annual public meeting) the clerk of the board **must** take such steps as the clerk considers appropriate to publicise the meeting and ensure that the public are given an opportunity to attend the meeting. The Board **must** ensure that the business at the meeting is conducted in public.

However, in any meeting other than the annual public meeting the board may, if there is a good reason for doing so, decide to conduct the meeting, or to consider any particular item of business, in private. The board must state reasons for the decision to hold business in private and ensure that the statement of reasons is included in the minute of the meeting.

As soon as practicable after the meeting, the clerk to the Board **must** prepare a minute of the meeting and arrange for the minute to be published in such a manner as the clerk considers appropriate. In the case of the annual meeting of qualified proprietors and the annual public meeting, a copy of the minutes **must** be sent to Scottish Ministers (see detailed provisions below for these types of meeting).

In general, meetings of the Board **should** be held at the places agreed by the Board, and **must** be convened *“On a written request of any two members of the Board, the Convener shall be bound to convene a meeting of the Board within fourteen days of receiving the request and the Clerk shall give notice to each member of the date, time and place of and the agenda for that meeting”*

### **2.2.3a Annual meetings of qualified proprietors (statutory provision)**

All Boards **must** convene an annual meeting of qualified proprietors. A minute of this meeting **must** be published as soon as practicable and within a maximum of 3 months of the date of that meeting, and a copy sent to Scottish Ministers at [dsfbgoodgovernance@scotland.gsi.gov.uk](mailto:dsfbgoodgovernance@scotland.gsi.gov.uk)

Before any annual meeting, the Board **must** publish notice of the meeting no later than 21 days prior to that meeting. A suggested proforma for the notice has been produced, and may be found [HERE](#). A copy of this notice **must** also be sent to Scottish Ministers at [dsfbgoodgovernance@scotland.gsi.gov.uk](mailto:dsfbgoodgovernance@scotland.gsi.gov.uk)

### **2.2.3b Annual public meetings (statutory provision)**

All Boards **must** convene an annual public meeting within a year of the new provision coming into force. A minute of this meeting must be published as soon as possible after that meeting, and a copy sent to Scottish Ministers at [dsfbgoodgovernance@scotland.gsi.gov.uk](mailto:dsfbgoodgovernance@scotland.gsi.gov.uk)

Before any annual public meeting, the Board **must** publish notice of the meeting no later than 21 days prior to that meeting. A suggested proforma for the notice has been produced, and may be found [HERE](#). A copy of this notice **must** also be sent to Scottish Ministers at [dsfbgoodgovernance@scotland.gsi.gov.uk](mailto:dsfbgoodgovernance@scotland.gsi.gov.uk)

#### **2.2.4 Calling of Board Meetings (advisory guidance)**

**Should not** be less than 21 working days before a meeting of the Board.

#### **2.2.5 Proceedings of the Board (statutory provision)**

No act or proceeding of the Board shall be questioned on account of any vacancy in their membership and no defect in the qualification or appointment of any person acting as a member shall vitiate any proceedings of the Board in which that member has taken part.

#### **2.2.6 Quorum (advisory guidance)**

Having identified its membership, the Board **should** agree and confirm what it considers to fairly represent a quorum. If, ten minutes after the time specified for the start of a meeting of the Board, a quorum is not present, business should not be conducted and the meeting **should** be adjourned until such date and time as the Convener shall determine.

If, during any meeting of the Board, the Convener finds that a quorum is not present, the meeting **should** be suspended or adjourned until such other date and time as the Convener shall determine.

**2.2.7 Items of Business (advisory guidance)** Items of business **should not** be considered at a meeting of the Board unless either:-

- the item has already been placed on the agenda issued to members, or
- by reason of special circumstances which shall be recorded in the minutes of the meeting, the Convener is of the opinion that the item should be considered.

notwithstanding bullet 1 above, matters of a non-substantive nature may be raised at a meeting of the Board.

#### **2.2.8 Board Minutes (statutory provision)**

The minutes of proceedings of the Board **must** be signed by the Convener and shall be a conclusive record of the proceedings.

#### **2.2.9 Voting (statutory provision)**

At each meeting of the Board, each member shall have one vote, subject to the following exceptions:

- the Convener, in that capacity, shall have both a casting and a deliberative vote: and
- a person who is both an upper proprietor and a lower proprietor by virtue of Section 40(5) of the 2003 Act shall have a vote in either capacity or in both capacities in which that person has been elected or co-opted

Every vote shall either be by ballot or show of hands.

### **2.2.10 Decisions of the Board (advisory guidance)**

Subject to (2) below, a decision **should not** be altered or revoked within a period of 6 months from the date of such decision being taken.

Where the Convener rules that a material change of circumstances has occurred to such extent that it is appropriate for the issue to be reconsidered, a decision may be altered or revoked within 6 months by a subsequent decision arising from:-

- a recommendation to that effect by the Clerk, Director or Chief Executive;  
*or*
- a motion to that effect, of which prior notice has been given.

This provision shall not apply to the ongoing progression or development of an issue on which a decision is required.

Members **should** comply with the decisions reached by the Board.

### **2.2.11 Provision for Substitutes (Mandatory) (statutory provision)**

A qualified proprietor, elected member or Convener of a Board may at any time authorise a person to act on behalf of them - such a person is referred to in the 2003 Act as a “mandatory”

A mandatory may be elected under schedule 2 to the 2003 Act as a representative of qualified proprietors or as Convener but, subject to the last paragraph below, a person may not authorise another to act as a co-opted member under the Act nor shall a mandatory be co-opted under section 45(2) of the Act.

A person who is an upper and lower proprietor by virtue of section 40(5) of the 2003 Act may authorise a person in accordance with this section in either or both capacities or may do so in each capacity

Where a co-opted member is not an individual person (ie a company, organisation or otherwise) it may authorise a person to represent it for the purposes of the Act.

### **2.2.12 Financial Standing of Board Members (advisory guidance)**

Members of the Board **should** at all times be in good financial standing insofar as that relates to the functions and responsibilities of the Board. It will not be competent for a member to participate in Board affairs if that member is in arrears with their levy.

### **2.2.13 Complaints Procedure (statutory provision)**

All Boards **must** maintain, and keep under review, proper arrangements for dealing with complaints made to the board about the way in which the board have carried out, or propose to carry out, their functions under this Act or any other enactment. A proforma for the complaints procedure has been produced by ASFB and may be found [HERE](#).

A copy of the complaints procedure **must** be sent to Scottish Ministers at: [dsfbgoodgovernance@scotland.gsi.gov.uk](mailto:dsfbgoodgovernance@scotland.gsi.gov.uk)



### 2.2.14 Annual report and audited accounts

Prior to the annual meeting of qualified proprietors, all Boards **must** prepare and present an annual report and set of audited accounts. These should be published as soon as possible after that meeting, and a copy of each **must** be sent to Scottish Ministers [dsfbgoodgovernance@scotland.gsi.gov.uk](mailto:dsfbgoodgovernance@scotland.gsi.gov.uk)

Guidance on the preparation of the annual report may be found [HERE](#).

## 2.3 Human Resources & Management

**Where there are employees and active recruitment:**

All DSFBs:

- **Must** adhere to the Disclosure process for recruitment (Particularly relevant to persons to be appointed as water bailiffs, and persons working with children and vulnerable adults) – see ‘**Disclosure**’ below for further information.
- **Should** define an appropriate line management structure
- **Should** define appropriate disciplinary procedures
- **Should** define appropriate grievance procedures
- **Should** undertake staff personal performance and remunerations reviews
- **Must** have an Equal Opportunities policy
- **Must** comply with appropriate Health & Safety legislation and undertake any necessary risk assessments, and take reasonable steps to mitigate or eliminate any risks. A Board **should** have a clear Health & Safety Manual.
- It is **recommended** that DSFBs have a policy on whether or not staff housing is provided and make sure responsibilities for rent and upkeep are defined.

Any policies and documents should be made available to all employees and referred to as appropriate in any staff contracts.

**Disclosure** - DSFBs **must** ensure that all staff dealing with children and vulnerable adults have undergone an *enhanced disclosure*. [Disclosure Scotland](#) is a service designed to enhance public safety. It provides potential employers and voluntary sector organisations with criminal history information on individuals applying for posts. Disclosure Scotland issues certificates - known as 'Disclosures' - which give details of an individual's criminal convictions, or state that they have none. Enhanced Disclosures, where appropriate, will also contain information held by police forces and other Government bodies. See also the [Annex](#).

All DSFBs **must** ensure that all staff involved in field activities have completed appropriate training and possess relevant certificates, endorsements, consents and permissions to comply with the law.

Employer and public liability insurance **should** be obtained by each DSFB. Professional indemnity insurance **should** be considered.

DSFBs **must** be registered under the Data Protection Act if they handle or store personal information on individuals. (More information at [DATA REGISTRATION](#)).

## 2.4 Training

DSFBs **should** be committed to ensuring that all staff possess the requisite skills and experience appropriate to their roles. They **should** ensure that appropriate training requirements are identified in discussion with staff; any skills gaps identified should be addressed through the provision of appropriate training. This **should** be reviewed in conjunction with staff on a periodic basis.

### In particular:

**Bailiff training** – a Board **should** not appoint any person as a water bailiff until they have successfully completed the bailiff training module, managed by ASFB and the Institute of Fishery Management. This position is supported by the ASFB policy – See [HERE](#)

All Board members **should** be provided with a copy of the legislation governing DSFBs (see online legislation database at [LEGISLATION](#))

All staff **should** have basic First Aid Training and the Board **should** designate a member of the Board or staff as First Aid representative.

## 2.5 Liaison with, and contribution to, other groups, plans and projects

DSFBs **should** liaise with adjacent DSFBs to discuss operational matters, to ensure actions can be co-ordinated where appropriate. Consideration should be given to operating on a regional basis when considering certain issues, including: enforcement; predation control; regulation of fisheries; training and any other relevant activities.

DSFBs **should** co-ordinate with other DSFBs and Trusts to ensure appropriate representation on regional **SEPA Area Advisory Groups** (AAGs) set up to examine river basin planning issues under the Water Framework Directive (WFD). ASFB and RAFTS are represented on the **SEPA National Advisory Group** (NAG). Boards and Trusts, and ASFB and RAFTS, **should** ensure that there is reciprocal communication on matters relating to these groups so that any local issues may be raised at the NAG and vice versa.

DSFBs **should** respond to local and national consultations on relevant development issues, including issues associated with land use; agriculture; forestry, flooding; renewable energy; aquaculture. DSFBs should contribute to and inform, shape and influence any national consultation responses co-ordinated by ASFB.

It is **recommended** that DSFBs liaise with other local fish and fishery interests and consult on decisions the Board may make that will affect them.

It is **recommended** that DSFBs engage, formally or informally, with other relevant interests and water users within their district.

## 2.6 Other legal requirements

Whilst the 2003 Act governs directly the constitution and operating requirements of Boards, there are a number of other pieces of legislation which will directly or indirectly affect certain operations they carry out. These are summarised below, together with a brief note of the principal implications. Further information on these may be found at the links provided, or by reference to the specific papers referenced in the [Annex](#).

### 2.6.1 Natura legislation – Special Areas of Conservation

Scotland has a number of rivers designated as SACs where the qualifying species is Atlantic salmon. DSFBs are considered as ‘competent authorities’ in the context of these sites, and any physical actions a DSFB might consider **must** be considered in light of the SAC conditions. An example might be a restocking programme, habitat improvement work or in-river works. Any authority must first establish: (1) whether the proposed development is directly connected with or necessary to the site management for nature conservation; and (2) whether it *is likely* to have a significant effect on the site either individually or in combination with other plans or projects. The authority **should** take account of advice from SNH. If the authority concludes that a proposal unconnected with site management is likely significantly to affect the site, it **must** then carry out an appropriate assessment of its implications in view of the site's conservation objectives (i.e. the reasons for which the site was classified), to judge whether or not it will adversely affect the integrity of the site. The scope and content of what constitutes an appropriate assessment will depend on the location, size and significance of the proposed project. SNH will advise on a case-by-case basis.

Guidance on stocking may be viewed [HERE](#) with a flowchart [HERE](#). Further advice **should** be facilitated through ASFB, if required.

### 2.6.2 Controlled Activities Regulations

DSFBs **must** comply with relevant Controlled Activities Regulations (CAR). Further information on CAR may be found at [SEPA CAR](#)

## 2.7 Communications

Over and above the statutory requirements for publishing minutes, accounts and annual reports, DSFBs **should** use a range of tools to communicate and present information on the work that they do. This **should** include a newsletter to proprietors and other interests, and it is **recommended** that a website is also used to achieve this. The following information should be made available through these mediums.

- Annual report & accounts
- Catch data for the district
- Membership of Board & list of qualified proprietors
- General reports

- Minutes of AGM and other meetings
- Relevant ASFB policies, guidance etc

Effective communication may also be achieved in conjunction with the local Fishery Trust through the above channels.

As part of their statutory requirements, DSFBs **must** hold an AGM. At the same time, they **should** consider holding an annual public meeting that is publicly advertised and open to all members of the general public to explain the work of the Board.

It is **recommended** that DSFBs take appropriate opportunities to use media to broadcast their work to the general public. Support to, and coordination of, planned media activities can be provided by the ASFB/RAFTS PR/Media adviser. [agwgs@btinternet.com](mailto:agwgs@btinternet.com)

DSFBs **should** liaise with their local Fisheries Trusts when engaging in media activity.

## 2.8 Operations - general

DSFBs **must** comply with relevant Controlled Activities Regulations (CAR). Further information on CAR may be found at [SEPA CAR](#).

DSFBs **should** liaise with their associated Fisheries Trust on the production and implementation of catchment based fisheries management plans consistent with the formal programme of fishery management planning in Scotland which is led by the Trusts.

In conjunction with fishery trusts, DSFBs **should** ensure that such plans are aligned with WFD objectives and operate on a systematic cycle. Such plans should be discussed with the Area Advisory Groups and other relevant interests.

Fisheries management decisions and actions **should** be based on the best available scientific information and advice as supplied by the Fishery Trusts or other professional source of advice.

Where agreement cannot be reached, advice **should** be sought from ASFB and RAFTS, or other appropriate source.

DSFBs and Trusts **should** consider, where possible, managing day-to-day business through a joint group, of active representatives from each organisation.

Where advice is required on the application or interpretation of legislation and regulation, the DSFBs **should** consult or take specialist legal advice from ASFB or a person of their choosing. Specific legal advice may be sourced from the ASFB Legal Adviser - [Robert.younger@fishlegal.net](mailto:Robert.younger@fishlegal.net)

DSFBs **should** inform ASFB of any regulatory proposals in advance of these being presented formally to Scottish Government

Where there is a logical reason for a Board amalgamation it is **recommended** that DSFBs actively consider them.

## 2.9 Operations governed by specific ASFB Policy

This section outlines recommendations and actions which are expressly supported by specific ASFB policy. These policies have been agreed with the membership and it is expected that all member boards will adhere to these policies.

**2.9.1 Introductions of salmon & sea trout** - DSFBs **must** consent in writing all introductions of salmon and sea trout (including ova) into waters within their district. In relation to this statutory obligation, DSFBs **must** at all times regulate and consent salmon stocking actions in line with the legal requirements and **should** adhere to the ASFB & RAFTS Stocking Policy Guidelines, which includes guidance on appropriate protocols for consideration of applications, consenting and record keeping procedures – see Guidance on stocking [HERE](#) with related flowchart [HERE](#). DSFBs **must** be aware of other legislation which may affect or govern stocking activity, for example, Natura legislation (see section 2.6.1) and other provisions.

### 2.9.2 Bailiff training & disclosure

DSFBs **should** ensure that any person appointed as a water bailiff has successfully completed the bailiff training module. DSFB bailiffs possess extensive powers of arrest, search, entry and seizure. The formal ASFB policy provides guidance and safeguards for DSFBs and ensures that liability and risks associated with untrained staff are reduced and managed appropriately.

DSFBs **should** ensure that any bailiffs are disclosed prior to appointment/employment; Disclosure Scotland regulates the provision of information on individuals' criminal records and DSFBs **should** ensure that potential bailiffs seek a basic disclosure and provide this to the DSFB as part of the appointment or recruitment process.

In the case of bailiffs or other staff who may come into contact with children or vulnerable adults, an enhanced disclosure **should** be sought. [See Annex.](#)

### 2.9.3 Catch data collection

The Conservation of Salmon (Collection of Statistics) (Scotland) Regulations 2006 provide specific legal powers to DSFBs to collect catch data from proprietors. DSFBs **should** use this power to ensure that the relevant catch data is gathered as appropriate from proprietors. Guidance on this power has been produced by ASFB. [See Annex](#)

### 2.9.4 Stock assessment tool

Boards **should** use the Rod Catch Assessment Tool as recommended in the NASCO Fisheries Management Focus Area Report to assess and, where appropriate, introduce precautionary management measures. Guidance on the use of the Rod Catch Assessment Tool can be found at the [Annex](#).

### 2.9.5 Management measures

DSFBs **should** assess the health of salmon and sea trout stocks in their district on an annual basis; this assessment should be undertaken in light of catches and use of the stock



assessment tool as described above. In considering an appropriate response to any stock problem, DSFBs should consider various options for regulating exploitation, including:

- Catch and release (voluntary and statutory)
- Regulation on methods, baits and lures
- Alteration of close times
- Limitation of fishing effort (voluntary or statutory)

All management actions **should** be considered in light of the precautionary approach - the precautionary approach means that there should be more caution when information is uncertain, unreliable or inadequate, and that the absence of adequate scientific information should not be used as a reason for postponing or failing to take conservation action.

## 2.10 Relationships between Trusts and Boards

It is **recommended** that DSFBs and Trusts maintain good communication and wherever possible, at local or regional level, co-ordinate activities of staff and projects.

Representatives on any joint DSFB/Trust group **should** sufficiently represent the differing interests within the catchment.

The charitable objectives of the local Trust **should** be taken into account when any management decisions are made by the board.

To avoid duplication of effort Trusts and Boards **should** co-ordinate representation on the various groups and committees within their catchments.

Where boards and trusts work together, information and data collected by the Trust **should** be made available to the DSFB to inform and assist management decisions.

## 2.11 Annual Review and Audit of the Code

DSFBs **should** undertake an annual review of their operations in light of this code and consider any compliance issues. Any issues should be highlighted with ASFB for further guidance.

All Boards **should** submit an annual return to ASFB – this will include a specific section on the code.

The responsibility for compliance with this code is as follows:

- **Individual responsibility** to each DSFB:  
Clerk, Convener and Board members and employees
- **Corporate responsibility** for each DSFB:  
Convener/Clerk/Board members
- **DSFB Review & compliance**  
To be reviewed annually by Board members
- **Overall membership compliance**

DSFBs **should** undertake an annual review of their operations in light of this code and consider any compliance issues. Any issues **should** be highlighted with ASFB/RAFTS as appropriate for further guidance.

All DSFBs & Trusts **should** submit an annual return to ASFB/RAFTS – this will include a specific section on the code. ASFB & RAFTS will review this annually through survey data completed by membership.

## ANNEX

[ASFB Constitution](#)

[RAFTS Articles of Association](#)

[Equal Opportunities Statement](#)

[Disclosure Statement](#)

[Bullying & Harassment Statement](#)

[ASFB Policy on Bailiff Training](#)

[\*\*ASFB/RAFTS Policy Guidelines on Stocking & flowchart\*\*](#)

[ASFB Guidance on DSFB powers to collect catch data](#)

[ASFB Guidance on Stock Assessment Tool](#)

[Links to sections of Salmon & Freshwater Fisheries \(Consolidation\) \(Scotland Act 2003](#)

[List of fisheries offences](#)

## **Scotland's District Salmon Fishery Boards**

Annan  
Argyll  
Ayr  
Beaully  
Bladnoch  
Brora  
Caithness  
Cree  
Cromarty  
Dee (Aberdeen)  
Dee (Kirkcudbright)  
Deveron  
Don  
Doon  
Echaig  
Esk  
Findhorn  
Fleet  
Forth  
Girvan  
Helmsdale  
Kyle of Sutherland  
Laggan and Sorn  
Lochaber  
Lossie  
Luce  
Nairn  
Ness  
Nith  
Northern  
Skye  
Spey  
Stinchar  
Tay  
The North and West  
Tweed  
Ugie  
Urr  
Wester Ross  
Western Isles  
Ythan

Association of Salmon Fishery Boards  
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