

SALMON AND FRESHWATER FISHERIES (CONSOLIDATION) (SCOTLAND) ACT 2003

APPLYING FOR A LICENCE TO FISH IN THE CLOSE SEASON OR USE OTHERWISE ILLEGAL METHODS OF FISHING - Note from Marine Scotland Science – 2017

The following rules apply to the licencing of otherwise illegal methods:

- The Licensing Authorities are Marine Scotland Science acting on behalf of the Scottish Ministers, District Salmon Fishery Boards and the River Tweed Commission.
- District Salmon Fishery Boards are able to issue licences for operations taking place within their districts but **only in the case of salmon and sea trout within the statutory fishing season**; this does not include the use of other methods within the annual close time when fishing by rod and line is permitted (*the rod and line extension*).
- **All** fishing operations due to take place during weekly or annual close times (including fishing for salmon by rod and line when outwith the *rod and line extension*) must apply for a licence to the Scottish Ministers.
- Written permission issued by the Scottish Ministers is required in every other case; the only exception being within the area covered by the River Tweed Commission which issue licences under legislation specific to the Tweed within the statutory fishing season.
- The Freshwater Fish Conservation (Prohibition on Fishing for Eels) (Scotland) Regulations 2008 make it an offence to fish for or take eels of the species *Anguilla Anguilla* (any method at anytime, anywhere in Scotland) except under the authority of a licence granted by the Scottish Ministers.

Licences to use illegal methods will only be issued to persons/groups who can demonstrate, either through attending appropriate training programmes or through experience (refereed attestation), that they are competent in the use and appropriate application of the method(s) applied for. Where a licensable activity impacts upon a designated protected area or species, consultation with the local SNH area office must take place prior to making an application.

Licensable Broodstock Collection:

This activity has implications that are further reaching than those presented by the capture of fish in a catchment or river system as part of standard monitoring, survey or fish rescue operation. For this reason the licensing of broodstock collection, where illegal capture would be licensable, is assessed as a special case and licensed as a separate activity by the Scottish Ministers.

Any application associated with the collection of broodstock as part of a breeding/stocking programme must provide the rationale for and the details of the entire programme to allow assessment of the risks and implications as a whole. Information should also be supplied describing how the programme will be monitored for success.

We expect that any broodstock collection of Atlantic salmon, sea trout and brown trout will be used to support a stocking programme in the same river and, in the case of large rivers, in the same sub-catchment. This activity may also form part of a properly researched reintroduction programme, where native populations have been lost. Where salmonids are to be stocked above impassable

natural barriers they are considered to be out-with their native range. Such introductions will require a licence, issued by SNH, under the 1981 Wildlife and Countryside Act (as amended). Further information SNH licensing can be found at the following web address:

<http://www.snh.gov.uk/protecting-scotlands-nature/species-licensing/fish-licensing/>

Risk Assessment:

For all applications, a risk assessment covering the activities to be undertaken and the locations to be covered must be provided by the applicant.

The risk assessment must:

- Identify, characterize, and assess any threats to fish populations and other native biota through use of the chosen method.
- In the case of Broodstock collection, include the threat posed by stocking and the removal of fish as broodstock. Where no threats have been identified, it is important to justify how this conclusion has been reached.
- Assess the vulnerability of the populations at risk.
- Determine the risk (i.e. the expected likelihood and consequences)
- Prioritize and provide a plan of risk reduction measures.

Application forms and further guidance on filling in the form can be found at the following web address:

<http://www.scotland.gov.uk/Topics/marine/Licensing/fishintros/methods>.

A simple template identifying the likely issues and risks associated with broodstock collection is available on our web page which we hope will assist you with your application.

Please feel free to get in touch if you need any additional information on the application process. You can email the licensing team on MSSFFLicensing@gov.scot or call on 01224 294400.