

# Enforcement Strategy

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## 1. Introduction

This document sets out the strategy that Fisheries Management Scotland will take forward in relation to the law enforcement role undertaken by the district salmon fishery boards (DSFBs). This strategy has been informed by discussion within the Fisheries Management Scotland Enforcement Committee, whose members are drawn from the DSFBs and the wider network of DSFBs. Scotland's salmon and sea trout populations are renowned internationally and are a vital part of Scotland's cultural heritage. The fisheries they support are a significant contributor to local rural economies and provide a high amenity and recreational value to local citizens. They are also a valuable contributor to Scotland's native biodiversity, supporting and complementing other species through complex ecological relationships – including the freshwater pearl mussel. Unlawful activity in relation to salmon accounts for 29% of all wildlife crimes – the largest element of recorded wildlife crime. Despite this, fish crime has the lowest average fine award of all 9 wildlife crime categories at £253.

## 2. Driver for the strategy

Survival of wild Scottish salmon and sea trout at sea is at historic lows and there is now an urgent need to ensure that the legislation which protects all life stages of the fish is fit for purpose, enforceable and addresses contemporary pressures.

## 3. Objectives

Fisheries Management Scotland will take forward a range of actions with the aim of delivering 4 key objectives as follows:

### 3.1 An improved legislative framework

A framework of fisheries legislation which is fit for purpose, easily understood and enforceable, with penalties which reflect the environmental damage of fish poaching, damage to habitat and disturbance and damage to juvenile and adult fish. The existing legislation is complex and poorly understood by enforcement authorities, the justice system and the general public. Taking the views of the Enforcement Committee, wider Fisheries Management Scotland membership, other law enforcement agencies and interested parties, we will develop ideas for change and promote these changes with Scottish Government, Scottish Parliament and other stakeholders so that support can be secured to effect change at the earliest legislative opportunity.

### 3.2 The development and promotion of best practice in relation to enforcement delivery

Fisheries Management Scotland will promote best practice and consistent processes for enforcement. It will do this by:

- Using examples of existing best practice, protocols and other good governance processes in use in the network and promoting these with other DSFBs to consistent practice;
- Facilitating the development of standardised tools to improve enforcement, in particular the use of technology for storing and sharing information securely;
- Work with Scottish Government, Police Scotland, Crown Office Procurator Fiscal Service and others to identify areas where a consistent approach will provide greater confidence for improving case success.

### 3.3 Improved awareness of fish crime within a wider wildlife crime context

Fisheries Management Scotland will work to raise the profile of fish crime, including any associated socio-economic impacts on citizens and recreation. This process will help inform the need for new legislation and improved penalties but will also aim to ensure that fish have greater prominence in a range of discussions, publicity and policy formulation in relation to wildlife crime. This will be achieved by:

- Continued Fisheries Management Scotland engagement with the Partnership Against Wildlife Crime and associated sub-groups;
- Systematic and structured advocacy on key enforcement issues with Scottish Government, Scottish Parliament and other interest groups;
- Ongoing dialogue with Police Scotland and Crown Office Procurator Fiscal Service;
- Using social media, Fisheries Management Scotland website, press, TV and radio as appropriate (and consistent with the communications strategy) provide clear messages on the profile of fish within wildlife crime.

### **3.4 A framework of training and continuous professional development**

Fisheries Management Scotland will co-ordinate and facilitate consistent enforcement related training through a delivery plan. This will be taken forward in the following ways:

- Identify training priorities within the network;
- Identify the skills and expertise already within the network for delivering training to others;
- Identify the training needs of other enforcement agencies relating to fish crime – Police Scotland, Marine Scotland, Marine Scotland Compliance, Crown Office Procurator Fiscal Service etc;
- Identify other partners to help develop training;
- Deliver an annual enforcement seminar to promote training and sharing of information and best practice;
- Review existing bailiff training provision and work with IFM to ensure it remains fit for purpose and meets needs of users.

## **4. Roles of Fisheries Management Scotland and members**

### **The Role of Fisheries Management Scotland and the Enforcement Committee**

- Development and refinement of policy and promoting legislative change;
- Engagement with Scottish Government, Parliament, Police Scotland and COPFS;
- Raising the profile of pressures facing wild fish with the Scottish Government and Parliament;
- Sharing best practice and guidance relating to all aspects of law enforcement activity.

### **The role of DSFBs**

- Delivering local fisheries enforcement;
- Providing expertise and examples of best practice to Fisheries Management Scotland;
- Highlight training needs;
- Ensuring that Fisheries Management Scotland are aware of any emerging enforcement issues at a local level, including notable case successes.