

# Fisheries Management Scotland

## Enforcement Committee

### 3 February 2022

#### By Videoconference

#### Present

Brian Davidson (FMS) (Chair)  
Alison Baker (Forth)  
Karl Ferguson (RTC)  
Jamie Urquhart (Dee)

Richard Whyte (Spey)  
Keith Williams (IFM)

#### Apologies

Alan Wells (FMS)  
Diarmid Hawkins (Dee)  
Craig Duncan (Tay)

#### 1. Welcome

BD welcomed all to the meeting and noted the apologies.

#### 2. Update on Wild Salmon Strategy

BD reported that the Strategy was published on the 14 January. It was made clear that the strategy is purposely a high-level document, and the implementation plan will flesh out the detail. The committee noted that it is a positive document and recognises the situation facing wild salmon and uses much of the terminology that wild fisheries management sector has been pushing. Everyone agreed that the priority should be that it is implemented in full.

In terms of specific enforcement areas within the strategy these are summarised as follows:

- Managing exploitation through effective regulation, deterrents, and enforcement
- Continue with annual salmon conservation regulations
- Maintain prohibition of retention of salmon in coastal waters
- Review annual close times across Scotland
- Review enforcement powers, offences and penalty regime for salmon poaching - aiming to increase penalties if necessary
- Supporting training of water bailiffs and raising awareness of wildlife crime

AB felt that the strategy acknowledges the efforts of the sector in dealing with the difficulties presented by the legislation, and that it sets out the possibility for improving this under the proposed review of enforcement powers, offences and penalties. It provides clear potential to change things, for example the current close-time regime is far too rigid and inflexible, and the discussions within the strategy group also indicated enthusiasm to put more emphasis on protection of fish rather than property rights. KW outlined the scope for improving the definitions of fish, for example the way salmon and sea trout are regarded as one in terms of the law is not logical.

The Committee agreed that one of its key priorities will be to provide time and expertise to help inform and influence the enforcement provisions which will be tackled through the implementation plan.

### **3. Training delivery**

BD reported on positive discussions with Fiona Caldwell, the New Head of Wildlife and Environmental Crime Unit at the Crown Office and Procurator Fiscal Service (COPFS). There is a new team of specialist wildlife crime procurator fiscals and they are keen to learn more about fish poaching. It has been proposed that some training could be delivered to the team during 2022, with the possibility of supplementing this with some online training resources specifically aimed at COPFS and other partners, such as Police Scotland. The Committee welcomed this training proposal, and it was agreed to identify a date, venue and develop a draft programme. BD agreed to take this forward and keep the committee involved in the development of the programme. **ACTION: BD**

BD also provided an update on delivery of online examinations. In the absence of physical bailiff training examinations due to the pandemic, FMS and IFM Scottish Branch have hosted four online examinations in the past year. These have proven to be user-friendly and much more convenient for candidates and the organisers. Everyone agreed that online delivery should be a priority moving forward.

### **4. Development of training films**

BD reported that work will begin this year with Craig Somerville to develop film footage to support enforcement training. Craig is very keen to get started, and the catalyst for this project was the provision of some funding made available to Fisheries Management Scotland to help deliver this. KW was pleased to report that IFM Scottish Branch have also agreed to contribute funds towards this project and it is likely that Fisheries Management Scotland will be able to support too. A number of priority areas were highlighted as possible candidates for filming, and it was agreed that the following areas should be considered.

- What the public should look out for and how and where to report
- Ensure the impact on other wildlife is highlighted – this will broaden the scope of the content
- Guidance on techniques used in poaching (but be careful to ensure any resources do not promote 'how to do it')
- The rationale – explain why we don't want people to do these things
- Use a scenario-based approach to make the learning experience as easy as possible
- Ensure that conflict resolution and dealing with people is a priority
- Evidence collection and how to use it

It was agreed that as far as possible consistency all resources should be consistent with Police Scotland good practice. BD agreed to develop a specification for the project and share this for comments. To take the work forward, it was agreed to form a small project group and meeting should be set up shortly. The Group members will be Brian Davidson (FMS), Jonathan Louis (Forth DSFB), Keith Williams (IFM), Richard Whyte (Spey) and Craig Somerville (Castabroad).

**ACTION: BD**

## **5. Communications**

### **5.1. Crimes Against Salmon film – update**

BD thanked the committee members for their input to the *Crimes Against Salmon* episode in the FMS *Our Wild Salmon* film project- this will help raise awareness of fish poaching and the work of water bailiffs in tackling illegal activity.

### **5.2. FMS website**

BD reported that the new Fisheries Management Scotland website now has several new pages within a new section called Fishing and the Law. This provides greater information about the legal framework, fish poaching, the enforcement committee and training.

### **5.3. Targeted enforcement updates**

BD reported that an enforcement-specific regular update to bailiffs had been previously suggested as an idea at the River Directors' group, and this was received positively. The Committee agreed that this would be a useful resource and BD will take this forward and consider the format, content and timing. **ACTION: BD**

## **6. Committee membership**

The Committee noted the departure of Chris Conroy and Bill Whyte, who had both moved on to new roles. Thanks were recorded for their input and expertise. It was agreed that new members should be considered for the committee, and as part of this, it was suggested that Marine Scotland and Police Scotland should be invited to participate. In terms of new members from the DSFB network, it was felt that there was now no longer any representation from the West Coast, and this should be followed up with the relevant DSFBs. **ACTION: BD**

## **7. AOB**

A brief round-up was provided of current illegal activity patterns around Scotland.

## **8. Date of next meeting**

To be confirmed