The Committee will meet at 2 pm in Committee Room 2

1. **Protection of Wild Mammals (Scotland) Bill**: The Committee will consider its approach to taking evidence at Stage 1 of this Bill.

2. **Proposed Salmon Conservation (Scotland) Bill**: The Committee will consider its approach to taking evidence at Stage 1 of this Bill.

3. **Agricultural Business Improvement Scheme**: The Committee will consider a report by the Audit Committee on this scheme.

4. **Subordinate Legislation**: The Committee will consider The Export of Pigs, Porcine Material and Bovine Animals (Scotland) Regulations 2000/300 under the negative procedure.

5. **Petitions**: The Committee will consider PE194 from Mr D Keith of behalf on the Scottish Campaign for Public Angling regarding access to the River Tay.

6. **Inquiry into the impact of changing employment patterns on Rural Scotland (In private)**: The Committee will resume consideration of a draft report on the inquiry.

---

Richard Davies
Clerk to the Committee
The following papers are relevant to this meeting:

**Agenda item 1**
Paper from the Clerk (to follow)

**Agenda item 2**
A paper from the Clerk outlining possible witnesses and a paper from SPICE outlining issues raised during SERAD consultations is attached.

**Agenda item 3**
Members are advised to collect copies of the Audit Committee Report from Document Supply when published.

**Agenda item 4**
Copies of the SSI and Executive Notes are attached. Copies of relevant European Documents are available from the Clerk.

**Agenda item 5**
PE194 is attached with a cover note by the Clerk.

**Agenda Item 6**
A revised report will be issued shortly. Members should also bring Interim Report 4, issued previously.
Approach to further evidence taking on the Protection of Wild Mammals (Scotland) Bill

1) The Rural Affairs Committee has decided to take further evidence before reporting at stage 1. This note suggests a framework for oral evidence sessions, and a point at which the decision might be taken on the various petitions which ask the Parliament to extend the research carried out by the Executive.

2) The purpose of stage 1 is to report to the Parliament on the general principles of the Bill. The Committee has already taken oral evidence from Mike Watson MSP, the member in charge of the Bill. The Committee has subsequently had an opportunity to digest the written evidence received during the consultation period. One method of proceeding that has been suggested would be to offer an opportunity to the main supporters and the main opponents of the Bill to summarise their views and for the Committee to hear Mike Watson’s reactions to those views.

3) Thereafter, there are a number of specific issues which the Committee may wish to examine in detail. To help the Committee establish the facts required to inform its Report to Parliament, the following topics are suggested around which further questioning of witnesses might be grouped:

A Given the apparent consensus on the need for the control of mammalian pests, does the need for control vary between species?
   • Should control be targeted at individual animals, or more widely?
   • Are there other, non-lethal alternative methods?
   • What justification is there for restricting certain methods of control? (for each method, the Committee may wish to assess its effectiveness, the degree of suffering imposed and the impact of restricting or stopping the activity).

B For those activities which are, or are argued to be, a form of sport, what is the case for restricting activity? The Committee may wish to assess the level of suffering imposed and whether this is sufficient to justify restricting the activity.

C How well does this Bill achieve what is required? Does it do enough?
   Does it have an impact on wider activity?
   • on people (social, cultural and economic considerations)
   • on the environment
   • on animals employed by the activity (horses, hounds etc).
**Petitions**

6) At its meeting on 5 September the Committee considered 10 petitions relating to this Bill and agreed that they be considered in conjunction with other written evidence. Whilst 2 of the petitions asked simply that the Bill should not proceed, a specific request posed by 8 of those petitions was that the Scottish Parliament should extend the current remit for the Macaulay Land Use Research Institute to include a thorough investigation into the social, economic and environmental significance of the Protection of Wild Mammals (Scotland) Bill for remote communities. It is suggested that this question be considered again when the Committee takes evidence on topic 3 in the list above. The research referred to was carried out on behalf of the Executive, but the committee felt that more research should be undertaken, a bid could be made against the Parliament’s own research budget, proposals for which close on 24 November and again in May of next year.

7) The Committee is asked to consider the approach to further evidence taking outlined in this paper, and decide from whom to take evidence.

Richard Davies
Clerk
September 2000
REQUESTS FOR EVIDENCE AT STAGE 1 OF THE SALMON CONSERVATION (SCOTLAND) BILL

Background:

On 26 September the Committee agreed to issue a call for written evidence on this Bill. It was agreed that the Committee should only ask for evidence which was supplementary to that already submitted to SERAD and should request these submissions by 20 October. The call will also ask people to identify their availability to give oral evidence on 7 November. These submissions will be circulated to members immediately after the recess and members will then be asked to identify groups from whom they wish to hear oral evidence (bearing in mind that only one session has been allocated for oral evidence). The Committee is asked to agree the following list of consultees and make any suggested additions to this list.

Consultees:

Fishery Boards
All 52 district fishery boards and the Association of Salmon Fishery Boards
9 Fisheries trusts

Other Fisheries Interests
Scottish Campaign for Public Angling
Association of Scottish Stillwater Fisheries
United Clyde Angling Assoc
Dee Anglers and Ghillies
Aberdeen and District Anglers
Salmon Net Fishing Association

Environmental and Conservation Groups
Atlantic Salmon Conservation Trust
WWF Scotland
RSPB Scotland
North Atlantic Salmon Conservation Organisation

Other Interested Bodies
Scottish Landowners Federation
Royal Institute of Chartered Surveyors
COSLA
sportScotland
National Farmers Union
Scottish Environmental Protection Agency

Salmon and Trout Association
Scottish Anglers National Association
Pitlochry Anglers
Dee SFIA
River Tweed Commissioners
Scottish Wildlife Trust
Friends of the Earth Scotland
Scottish Environment Link
Scottish Outdoor Recreation Network
Association of Chief Police Officers
Scottish Natural Heritage
Crown Estate Office
The National Trust for Scotland
THE SALMON CONSERVATION (SCOTLAND) BILL

INTRODUCTION
This Bill will follow a consultation that was carried out in June 2000 asking for views on the Scottish Executive’s proposals to introduce new legislation for improving salmon conservation. This followed recommendations made by the Scottish Salmon Strategy Task Force, issued in 1997.

A key suggestion from the consultation paper circulated in June was that the legislation should introduce powers for District Salmon Fishery Boards (DSFBs) and Scottish Ministers to restrict angling effort. This would be in line with recommendations 12 and 13 of the Scottish Salmon Strategy Task Force (SSSTF):

“12. District Salmon Fishery Boards should be able to apply to Scottish Ministers to make regulations to restrict angling effort. As a minimum regulations are required to prescribe for each area, or part thereof, and to cover all or part of the fishing season: the maximum number of fish which can be taken by any method; the size of fish which may be taken; the characteristics and specifications of nets and angling tackle which may be used; the methods of fishing which may be used and those which are prohibited; the areas on a river where fishing is not permitted; and the release of some or all of the fish.

13. The Secretary of State should have emergency powers to limit fishing when salmon populations or fisheries are severely threatened”.

Diane McLafferty, of the Salmon & Freshwater Fisheries Department of the Scottish Executive, confirmed that this would be the policy intent behind the Salmon (Conservation) Scotland Bill, at the Rural Affairs Committee meeting of the 19th September 1.

ISSUES RAISED BY THE CONSULTATION EXERCISE

The rest of this paper compares issues raised in response to the June 2000 consultation with the content of the Salmon Conservation (Scotland) Bill, as introduced.

Power to make regulations
Several respondents to the consultation exercise expressed concern over who the Bill would give power to make regulations.

The Royal Institute of Chartered Surveyors (RICS) felt that Scottish Ministers should not be able to make regulations without the support of the DSFB. The Atlantic Salmon Trust felt that this would be particularly important for any regulations which might be applied across the whole country. An individual respondent felt that powers should only be vested in the Scottish Ministers. They felt that the constitution of DSFBs, with the majority of members representing rod and line fishing interests meant that interests of salmon netsmen might not be taken into account when DSFBs were applying for new regulations. The Salmon Net Fishing Association of

1 RAC OR, Meeting 25, 19th September 2000
Scotland (SNFAS) was concerned about the potential power of proprietors to apply to ministers to make regulations in areas where DSFBs have not been formed (currently 31 of Scotland’s 83 salmon fishery districts do not have a DSFB\(^2\)). The Association of Salmon Fishery Boards (ASFB) felt that only vesting the power to apply for regulations in DSFBs might encourage proprietors to form them in the areas where they have not yet done so. The Aberdeen and District Angling Association suggested that a two-third majority of proprietors in the area in support of a proposal should be required before the DSFB could apply to Scottish Ministers to make regulations.

Respondents were also asked what the geographical extent of any regulations made under the Bill should be. There was a broad consensus among respondents that regulations should be applied to a district or part of a district and not across a wider area. This response reflects the feeling that there are significant localised differences in conditions which should be taken into account in any regulations.

The ASFB questioned whether regulations would be enforced for specific time periods or indefinitely. They also felt that procedures for reviewing the effectiveness of regulations, and repealing regulations once they had achieved their objective, should be established.

Consultation and appeals procedure
The Scottish Net Fishing Association of Scotland (SNAFS), thought that they should be made statutory consultees for proposed regulations. The Scottish Environment Protection Agency (SEPA) also thought it should be consulted if regulations dealt with wider conservation matters, i.e. other than restricting fishing effort. If Scottish Ministers were to make regulations without an application from a DSFB then many respondents suggested that the appropriate DSFB and local fishery trusts or angling associations should be consulted.

The need to provide an opportunity for objections to be made to proposals was also raised by many respondents. The ASFB thought that a strict timetable should be established with proposals being brought forward in the April of the year before they would take effect, consultation being carried out over the summer months, and a decision being made by Scottish Ministers in the autumn. They felt this would allow DSFBs to inform fishing tenants of the effect of new regulations prior to the start of the new fishing season.

Emergency powers
The need to grant emergency powers which could be rapidly deployed in the event of a disease outbreak, or the complete failure of a run of salmon was raised by the RICS, ASFB and the Scottish Landowners Federation (SLF). The ASFB and RICS suggested that Scottish Ministers should only be able to make regulations in emergency situations.

Forming DSFBs in all Salmon Districts

DSFBs exist in 52 of Scotland’s 83 salmon districts\textsuperscript{3}. The ASFB is keen to encourage the formation of DSFBs in all salmon districts. Some of the districts which have not yet formed a DSFB are ones in which entire river catchments come under the ownership of one or two proprietors who do not feel the formation of a board would be necessary.

In their report in 1997 the Scottish Salmon Strategy Task Force recommended that DSFBs and the present system of salmon districts should be replaced with a system of 20 Area Fishery Boards. The recommendation was made on the basis that larger boards would be better funded and therefore better able to carry out their duties. The new system would involve a rationalisation of existing boundaries to take into account salmon catches, changes in terrain and historic linkages. They also made recommendations as to how the membership of the new boards should be constituted, and what powers they should have\textsuperscript{2}. The Northwest Scotland and Lochaber DSFBs both result from amalgamations of smaller DSFBs carried out by subordinate legislation under the Salmon Act 1986\textsuperscript{4}. An application from the 7 DSFBs in the Western Isles to form one larger board is currently being considered by Scottish Ministers\textsuperscript{5}.

### Funding of DSFBs

Under the Salmon Act 1986, proprietors in a salmon district in which a DSFB has been formed are required to pay an annual contribution to the DSFB based on the valuation of their fishings. The ASFB suggested that DSFBs should be able to vary the rate of contribution of proprietors to account for different financial circumstances and management needs.

### Control of Fishing Effort

Respondents to the consultation were asked to suggest what the nature of the regulations should be. Many responses suggested that regulations should limit fishing effort. Fishing effort could be limited in a number of ways:

- Regulating net fisheries at the river mouth
- Making catch and release of rod-caught salmon compulsory
- Introducing restrictions on the number or size of fish which could be taken
- Changing daily, weekly or annual close times
- Changing the permitted methods for rod and line fishing.

### Banning the sale of rod caught fish

The ASFB and the Scottish Anglers National Association (SANA) both suggested that the introduction of a ban on rod caught salmon should be considered.

---

\textsuperscript{3} Scottish Executive Official pers comm  
\textsuperscript{4} Statutory Instrument 1999 No. 1380 (S. 103) \textit{The North and West Salmon Fishery District Designation Order 1999} and Statutory Instrument 1999 No. 1382 (S. 105) \textit{The Lochaber Salmon Fishery District Designation Order 1999}  
\textsuperscript{5} Scottish Executive Official pers comm
Need for more information
SNFAS and WWF both highlighted the need for more research to establish the status of salmon stocks to aid decision making. As David Dunkley, Inspector of Salmon & Freshwater Fisheries, explained to the RAC on 19th September⁶, catch returns provide only a crude measure of the health of salmon stocks because of variations in fishing effort from year to year. The ASFB suggested that a right of access for conducting research on behalf of a DSFB and that a statutory requirement for fishery proprietors to report catches to DSFBs should be introduced.

Distinguishing between Salmon and Sea-trout in the legislation
Under subsection 40(1) of the Salmon Act 1986:

“salmon means all migratory fish of the species Salmo salar and Salmo trutta and commonly known as salmon and sea-trout respectively”.

In their submission the ASFB suggested that the law could be amended to distinguish between salmon and sea-trout.

Effect on wildlife
SEPA raised a concern that some measures which might be introduced in the interests of salmon conservation, such as artificially creating pools for spawning, might have effects on other aquatic wildlife. SEPA was concerned that it should be consulted on proposals for regulations other than those designed to limit fishing effort.

Wider Issues Affecting Salmon
Though they do not necessarily fall within the scope of the proposed legislation, or in some cases within the legislative competence of the Scottish Parliament, the Salmon Conservation (Scotland) Bill must be seen in the wider context of other factors affecting salmon stocks. Although it is not explicitly stated, the intent of the Bill seems to be to introduce measures to promote the conservation of salmon in the river environment by reducing fishing effort. This certainly seems to be how respondents to the consultation exercise have interpreted the intent of the Bill. Many respondents also drew attention to other factors that affect salmon including:

- The impact of salmon farming
- Predation of salmon by seals and fish-eating birds
- Deep sea drift netting of salmon by the Faroese and Greenland fleets
- Drift netting of salmon by the English Northeast coast drift net fishery
- By-catch of salmon as a non target species
- Industrial fishing reducing stocks of salmon food species such as sandeels and krill
- Changes in the marine environment, especially temperature changes resulting from global warming.

Tom Edwards (SPICe)

⁶ RAC OR, Meeting 25, 19th September 2000
PETITION PE 194: Mr D Keith, Scottish Campaign for Public Angling

Date Received: 10 May 2000
Date Referred: 31 May 2000
Subject: Angling Access to the River Tay

1. Petition PE 194 calls upon the Scottish Parliament to revoke SI 1996 No 58 (S.3) River Tay Catchment Area Protection (Renewal) Order 1993 Variation Order with immediate effect.

Background

2. This petition has been referred to this Committee and has not previously been considered.

3. Under the Freshwater and Salmon Fisheries (Scotland) Act 1976, Scottish Ministers can designate Protection Orders (PO’s). PO’s make fishing for brown trout or other freshwater fish an offence without written permission (i.e. a fishing permit). Under the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951, freshwater fish are defined as: 

“any fish living in fresh water, including trout and eels, but excluding salmon and other fish which migrate between the open sea and tidal waters”.

4. Orders cannot be made unless:

- an owner of fishing rights applies for a PO to be made in the interest of improving, or giving increased access to fishing
- a body representative of those wishing to fish for freshwater fish in inland waters in Scotland has been consulted
- fishing would continue to be available to a reasonable degree after the designation for those who are not owners of fishing rights
- the order is made in the interests of conservation of a fish species

5. Currently thirteen PO’s have been designated in Scotland, one of which covers the River Tay catchment. This PO was created in 1986 by the River Tay Catchment Area Protection Order 1986. The PO has been renewed three times, in 1990, 1993, and most recently with the River Tay Catchment Area Protection (Renewal) Order 1996. Unlike the previous two renewals the 1996 renewal is indefinite. The petitioner complains that since the designation of the order in 1986, there has been a marked reduction in the availability of fishing on the River Tay for brown trout and other freshwater fish, and calls on the Scottish Parliament to revoke the Order.
Options

4. The Committee should consider whether or not it wishes to express a view on the merits of this petition, or whether it wishes to seek further information before coming to a decision on this matter.

Tracey Hawe
Senior Assistant Clerk
Rural Affairs Committee
28 September 2000

Tracey Hawe
Assistant Clerk
Agri-environment measures: SPICe briefing

PE 63:

*Petition calling on the Scottish Parliament to increase resources for agri-environment measures.*

**General**

Agri-environment schemes offer payments to farmers for carrying out farming practices that enhance and protect the environment. All EU Member States have been required to operate an agri-environment programme since 1992. As reforms to the Common Agriculture Policy (CAP) increasingly require links between agricultural production and support to be removed it seems likely that agri-environment schemes will become increasingly important as a means of supporting farmers.

Agri-environment schemes are different in each of the UK countries and their design and funding is devolved. There are currently 3 agri-environment schemes operating in Scotland:

- Environmentally Sensitive Areas (ESAs): offer payments to farmers in 10 designated ESAs for practising conservation on their farms. All eligible farmers who meet the scheme requirements are accepted into the ESA.
- Countryside Premium Scheme (CPS): offers all farmers outside ESAs the opportunity to apply for payments to practice conservation. Farmers across Scotland are required to compete against each other to qualify for this scheme.
- Organic Aid Scheme: offers payments to help all farmers in Scotland convert from conventional to organic production methods. All eligible farmers who meet the basic requirements are accepted into the OAS.

**Future plans for Scottish agri-environment schemes**

The Agenda 2000 CAP reforms introduced a new Rural Development Regulation (RDR), agri-environment schemes and other measures will be brought under the RDR. The Scottish agri-environment programme will change slightly with the implementation of the RDR and will be made up two schemes: Rural Stewardship Scheme (RSS) (which will be an amalgamation of ESAs and the CPS) and Organic Aid Scheme (which will remain as before). When it is introduced later this year applicants for RSS will be required to compete for the resources that are available after the commitments made to applications for the OAS have been met.

**Funding for Scottish agri-environment schemes**

In 1999/00 the total budget for agri-environment schemes in Scotland was £15.5 million. Total applications for the agri-environment programme in Scotland in 1999/00 exceeded the budget available and out of the 726 applications received for the CPS
only 326 were approved. Other UK countries have larger agri-environment budgets than Scotland, in England for example, the budget was £62.9 million in 1999/00.

Funding for agri-environment schemes in Scotland has, in the past, come partly from the EU and partly from the Scottish block.

New resources for Scottish agri-environment schemes

The NFUS is requesting new resources for agri-environment schemes to be allocated from UK resources. There are a number of ways through which additional resources could be made available for Scottish agri-environment schemes these are outlined in the following sections.

Modulation

As a result of the Ministerial decision to go ahead with modulation (announced on 4 August 2000) an additional £3 to £4 million will be devoted to agri-environment schemes in Scotland each year from 2001, rising to an extra £21.6 million in 2006. Half of this additional funding has come through redirecting up to 4.5% of mainstream agricultural support payments and half has come, as match funding for these modulated resources, directly from the UK government.

Increase spending by the Scottish Executive

Agri-environment scheme design and funding is a devolved matter and the Scottish Executive has a free reign in this regard so long as they abide with the requirements of the EU regulations. It is therefore be a matter for the Scottish Executive to decide how to find and allocate further resources to agri-environment measures. However, this would require resources to be diverted from elsewhere in the Scottish block. Since the NFUS is requesting additional resources from the UK government this option would not exactly meet the calls of the petitioners.

Increase spending by the UK government

The petitioners are calling for increased resources from the UK government to be devoted to Scottish agri-environment schemes. Other than through the use of the modulated resources, which are to be supplemented by resources from the UK Treasury, it is difficult to envisage how the Scottish Parliament might encourage this.

Notes

1 Agri-environment schemes, by encouraging organic and environmentally friendly farming and by contributing to farmers’ incomes, are likely to make some contribution to the sustainable development of rural Scotland. They are also likely to become a more important means of supporting farmers as CAP reforms progress.