

Consultation Questions

Section 1 – The Sustainable Development of Aquaculture

Farm Management Agreements (FMAs)

1. Do you agree that we should, subject to appropriate safeguards, make it a legal requirement for marine finfish operators to participate in an appropriate FMA, with sanctions for failure to do so, or to adhere to the terms of the agreement?

Yes

No

No comment.

Appropriate Scale Management Area (MAs)

2. Do you agree that operators should have primary responsibility for determining the boundaries (and other management arrangements) for MAs, but with Scottish Ministers having a fallback power to specify alternative areas.

Yes

No

No comment.

Management Measures and Dispute Resolution

3. Do you agree that an independent arbitration process should be put in place (with statutory underpinning) to resolve disputes related to FMAs?

Yes

No

No comment.

4. How do you think such a system might best be developed?

No comment.

Unused Consents

5. Do you agree we ought to review the question of unused consents?

Yes

No ✓

The consultation paper highlights Shetland Islands Council's regime for withdrawing consents which operated under the Works Licence scheme. I have attached copy of a recent letter issued which clearly demonstrates the action which will be taken when works are not commenced: there is no attempt to waver here. Why, therefore, is yet

Requesting additional information will place an unnecessary financial and administrative burden on this sector.

11. What are your views on the timing and frequency of submission of such data?

No change to the current annual request for information is required.

Biomass Control

12. Do you agree that Scottish Ministers should have powers to require SEPA to reduce a biomass consent where it appears to them necessary and appropriate – for example to address concerns about fish health and welfare?

No comment.

Wellboats

13. Do you agree we should make enabling legislation giving Scottish Ministers powers to place additional control requirements on wellboats?

Yes No

Seafood Shetland supports the proposal of enabling legislation which would ensure high operating standards for wellboats in Scottish Waters.

Processing Facilities

14. Do you think Scottish Ministers should be given additional powers to place controls on processing plants?

Yes No

Seafood Shetland considers that relevant controls are already in existence concerning the operation of processing plants.

It is acknowledged that in the United Kingdom, many sectors of the economy are subjected to a morass of legislation and bureaucracy. The burden of regulation and 'gold-plated' compliance bring significant costs for industry which cannot be passed on to customers.

Seaweed Cultivation

15. Do you agree that the regulatory framework should be the same for all seaweed farms?

Yes No

Containment and Escapes

21. Do you agree we should provide powers for Scottish Ministers to require all finfish farms operating in Scotland to use equipment that conforms to a Scottish Technical Standard? (The technical content of the standard would be defined separately.)

Yes

No

No comment.

Tracing Escapes

22. Do you agree that there should be additional powers for Scottish Ministers to take or require samples of fish from fish farms, for tracing purposes?

Yes

No

No comment.

Section 4 – Salmon and Freshwater Fisheries Management

Modernising the Operation of District Salmon Fishery Boards

23. Do you agree that we should introduce a specific duty on Boards to act fairly and transparently?

Yes

No

No comment.

24. Do you agree that there should be a Code of Good Practice for wild salmon and freshwater fisheries?

Yes

No

No comment.

25. If yes, should such a Code of Good Practice be statutory or non-statutory?

Yes

No

No comment.

Statutory Carcass Tagging

26. Do you agree that Scottish Ministers should have powers to introduce a statutory system of carcass tagging for wild Atlantic salmon and sea trout?

Yes

No

No comment.

Fish Sampling

27. Do you agree that Scottish Ministers should have powers to take or require fish and/or samples for genetic or other analysis?

Yes

No

No comment.

Management and Salmon Conservation Measures

28. Do you agree that Scottish Ministers should have powers to initiate changes to Salmon District Annual Close Time Orders?

Yes

No

No comment.

29. Do you agree that Scottish Ministers should be able to promote combined salmon conservation measures at their own hand?

Yes

No

No comment.

30. Do you agree that Scottish Ministers should be able to attach conditions, such as monitoring and reporting requirements, to statutory conservation measures?

Yes

No

No comment.

Dispute Resolution

31. Do you agree that we should introduce statutory provisions related to mediation and dispute resolution, to help resolve disputes around salmon conservation, management and any related compensation measures?

Yes

No

No comment.

Improved Information on Fish and Fisheries

32. Do you agree that there should be a legal requirement to provide comprehensive effort data for rod fisheries?

Yes

No

No comment.

33. What additional information on the fish or fisheries should proprietors and/or Boards be required to collect and provide; and should this be provided routinely and/or in specific circumstances?

No comment.

34. Should Scottish Ministers have powers to require Boards and/or proprietors or their tenants to investigate and report on salmon and sea trout and the fisheries in their district?

Yes

No

No comment.

Licensing of Fish Introductions to Freshwater

35. Do you agree that Scottish Ministers should have powers to recall, restrict or exclude the jurisdiction of Boards in relation to fish introductions, in certain circumstances?

Yes

No

No comment.

36. If so, why and in what circumstances?

No comment.

Powers to Detain Vessels in Port

42. Do you agree that sea fisheries enforcement officers should be given specific power to allow vessels to be detained in port for the purposes of court proceedings?

Yes No

No comment.

Disposal of Property/Forfeiture of Prohibited Items

43. Do you agree that sea fisheries enforcement officers should be able to dispose of property seized as evidence when it is no longer required, or forfeit items which would be illegal to use?

Yes No

No comment.

Power to Inspect Objects

44. Do you agree that sea fisheries enforcement officers should have the power to inspect objects in the sea and elsewhere that are not obviously associated with a vessel, vehicle or relevant premises?

Yes No

No comment.

Sea Fisheries (Shellfish) Act 1967

45. Do you have any views on the proposals to amend the Sea Fisheries (Shellfish) Act 1967 to help make its application clearer?

Yes No

Currently Section 1 of the Sea Fisheries (Shellfish) Act 1967 states: oysters, mussels, cockles, clams, lobsters and any other molluscs or crustaceans. Surely it is clear that this statement applies to all shellfish so why, consequently, must it be amended incurring unnecessary cost.

Section 6 – Paying for Progress

46. Do you agree that there should be enabling provisions for Scottish Ministers to provide, through secondary legislation, for both direct and more generic charges for services/benefits arising from public sector services and activities?

Yes No

47. If you do not agree that there should be charging provisions, how do you envisage ongoing and new work to assist in management and development of the aquaculture and fisheries sectors should be resourced?

Seafood Shetland considers there will be significant resource implications and substantive costs associated with the proposals contained in this paper and holds the view that these will fall on the shoulders of the local industries involved and those perceived to benefit. Industry should not be charged unjustifiable costs for additional public sector scrutiny which is neither necessary nor at its request.

48. If no new way of resourcing such activity can be found, what activities do you suggest might be stopped to free up necessary funds?

Statutory functions must be paid for by Government. Industry will only contribute to, say, certain research projects, if their worth is assessed for relevance to the particular industry and value for money.

Graham C (Catriona)

From: Ruth Henderson [ruth@fishuk.net]
Sent: 02 March 2012 12:50
To: Aquaculture and Fisheries Consultation
Subject: Aquaculture & Fisheries Bill Consultation Document
Attachments: Attachment for Aquaculture & Fisheries Bill Consultation.doc; Response to Aquaculture & Fisheries Bill Consultation Document.doc; Respondent Form Aquaculture & Fisheries Bill Consultation.doc

Dear, Sir/Madam.

Seafood Shetland represents the interests of fish processors and shellfish growers in Shetland. Attached is:

1. Our response to the Consultation Document.
2. Our Respondent Form.
3. An document referred to in our Consultation response.

The seafood industry (fish catching, fish processing and the aquaculture industries of salmon and mussel farming) is the foundation of the social and economic structure of Shetland: it supports almost a quarter of all jobs throughout the islands and, collectively, seafood businesses in Shetland have an estimated annual turnover in excess of £300 million.

However, the industry's contribution is more than just economic: the development and growth of the industry over centuries has played a leading role in the evolution of Shetland culture and identity.

Seafood Shetland is deeply alarmed by the proposals outlined in this consultation paper - with which we continue to be swamped - and is concerned for the future of our seafood industries. The paper appears to be greatly at odds with recent Scottish Government pronouncements of support for our industries and that efforts to halt the march of regulation will be put in place, thereby allowing Scotland to continue its competitive spirit and economic prowess. Reference, for example, to widening the scope of Fixed Penalty Notices up to a value of £10,000 for Scotland's fledgling shellfish aquaculture is shameful.

Existing legislation and arrangements have permitted the development of a modern, diverse and successful seafood industry in Shetland which provides employment in many rural areas and makes a significant contribution to Shetland's economy. It is already acknowledged that in the United Kingdom, many sectors of the economy are subjected to a morass of legislation and bureaucracy: it should be borne in mind that the burden of regulation and gold-plated compliance bring significant costs for industry which cannot be passed on to customers.

The proposed legislation - in addition to that enacted as part of the Aquaculture and Fisheries Bill in 2007, as well as the proposals for a network of Marine Protected Areas - appears to be further evidence of additional Government and public sector interference, duplication of existing regulatory burden, further complication and cost to operations. The proposals outlined should be abandoned forthwith if business continuity is not to be disrupted and confidence diminished.

Yours faithfully,

Miss Ruth Henderson,
Chief Executive.

02/04/2012

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