Ethical Standards Commissioner

Commissioner for Ethical Standards in Public Life in Scotland
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HE

THE COMMISSIONER'S REPORT

Under section 22(2)(b) of the Lobbying (Scotland) Act 2016 (the **Act**)

Case Ref:	LSA/OTH/4218
Date:	24 February 2026
Complainer:	Ms Helen Taylor CEO Green Britain Foundation
COMPLAINT AGAINST	
Respondent:	Salmon Scotland Ltd (also "Salmon Scotland", represented by CEO Mr Tavish Scott)

Summary: Failure to comply with section 11 of the Act

In the Commissioner's view, the Respondent failed to comply with section 11 of the Lobbying (Scotland) Act 2016 (the Act) for the reasons set out in this report.

A draft of this Report has been shared with the Respondent for their representations. The representations did not change the Commissioner's overall view on failure to comply although some have been given effect to in this final version of the report.

Contents

A. Overarching objective **2**
B. The assessment and admissibility of the complaint **2**
C. Details of the complaint **4**
D. Investigation and approach **4**
E. Chronology and factual findings **4**
F. Analysis of evidence and findings **6**
G. The Commissioner's views on the complaint **13**
H. Suspension of case and respondent's representations **13**

A. Overarching objective

The Act established a framework within which the Commissioner has a duty to investigate and report on a complaint that a registrant has or might have failed to comply with the duty to submit information returns under section 22(1)(c) of the Act, relative to section 11 of the Act. Section 11 of the Act requires an active registrant to submit an information return containing information in relation to each instance of regulated lobbying in a stipulated period.

The purpose of this document is to report on the Commissioner's investigation, the findings from investigation on a balance of probabilities, and the analysis of such findings supporting the investigation's outcome pursuant to section 22(2)(b) of the Act. Its contents comply with section 26(2) of the Act.

B. The assessment and admissibility of the complaint

1. On 28 November 2024, the complainer wrote to the Commissioner alleging the respondent breached lobbying regulations on nine occasions evidenced by emails and correspondence from a Scottish Government Environmental Information (Scotland) Regulations 2004 (EIR) release.

2. In the release, the emails and correspondence alluded to face-to-face meetings which took place between the respondent and MSPs, Ministers and Scottish Government officials since 1 January 2023 to 17 January 2024.

3. The complainer also referred to a statement by Mr Edward Mountain MSP at a Rural Affairs and Island Committee (**RAIC**) session on 02 October 2024, where he stated the respondent, represented by its CEO Mr Tavish Scott "…On 25 October 2023, at 14:30, when you [Mr Scott] came into my office, one of your comments which I note word for word because it was taken down for me, was: This issue and your attitude are top of the agenda for the next Board meeting. The Board are very unhappy with you and are willing to take action against you, unless you retract your comments in Parliament." The Official Report (at page 39 of the PDF) shows Mr Mountain MSP's statement. The 'comments' Mr Mountain MSP were being asked to retract took place at a meeting of the Parliament on 12 September 2023, as shown in the Official Report (at page 25 of the PDF, at 15:40).

4. On 20 and 22 January 2025, the Commissioner's office assessed the complaint and the alleged nine occasions on which unregistered regulated lobbying had occurred. The Commissioner decided that the Scottish Government officials who the respondent (represented by Mr Scott) allegedly lobbied are not within the meaning of section 1(i)(a) of the Act as they are not the Permanent Secretary or Special Advisers. As a result, the Act does not apply to those meetings with them. The Commissioner decided that further information was needed in order to complete assessment relative to meetings with the MSPs and Ministers.

5. On 06 February 2025, the Commissioner wrote to the MSPs and Ministers to ask for their input on their respective meetings with the respondent (represented by Mr Scott) as set out in the complaint.

6. By 14 April 2025, all responses from the MSPs and Ministers were received. The Commissioner reviewed these to complete complaint assessment.

7. On 22 April 2025, the Commissioner wrote to the complainer and the respondent (represented by Mr Scott) to confirm that the complaints of alleged regulated lobbying meetings between an MSP and Ministers were not caught by the Act. In brief, this is because:

   a. one occasion of an alleged face-to-face meeting did not take place; and

   b. the other occasions of face-to-face meetings with the Ministers took place in the wider context of stakeholder engagement in response to aquaculture concerns relative to the Scottish Environment Protection Agency (SEPA) sea risk assessment framework, which underwent two public consultations both of which Salmon Scotland responded to. This fell within an exemption set out in paragraph 12 of the Schedule to the Act, which states a communication about a topic made in response to a request for factual information or views on that topic is not regulated lobbying.

8. However, the Commissioner ascertained that the respondent (represented by Mr Scott) and Mr Mountain MSP's meeting on 25 October 2023 (as referred to by Mr Mountain MSP at the RAIC session on 02 October 2024) did occur face-to-face and, in that meeting, the respondent had stated: "*The Board are very unhappy with you and are willing to take action against you, unless you retract your comments in Parliament.*" (emphasis added)

9. The Commissioner considered this specific meeting to be suggestive of regulated lobbying because, following the Parliamentary Guidance on regulated lobbying:
   - it took place face-to-face with oral communication
   - the communication was about an MSP's comments made in the chamber of the Scottish Parliament; as such, it was made in relation to Scottish parliamentary functions[1]
   - the opportunity and the nature of the conversation was to influence the MSP to retract in the Parliament comments previously made in Parliament
   - the respondent is a paid representative of Salmon Scotland and
   - the communication is not excluded by any other exemption in the Act.

10. The complaint already met the conditions in section 23(1)(a) and (b) of the Act. The Commissioner further considered the specific circumstances of the respondent's meeting (where the respondent is represented by Mr Scott) with Mr Mountain MSP on 25 October 2023 warranted further investigation, in line with the requirements for a complaint to be admissible under section 23(1)(c) and 23(4) of the Act. This is because the evidence suggests regulated lobbying had taken place and there could be a failure to comply with a requirement in section 22(1)(c) (a failure to comply with section 11 of the Act).

[1] See section 1 (a) (iii) of the Act.

C. Details of the complaint

11. As a result, the part of the complaint that proceeded to Stage 2 investigation is:

On 25 October 2023, the respondent (represented by Mr Scott) met with Mr Mountain MSP at Parliament to request that Mr Mountain MSP publicly retract in Parliament the comments he made about the aquaculture industry at a meeting of the Parliament on 12 September 2023. The respondent did not submit an information return for this meeting, contrary to the requirements of section 11 of the Act.

D. Investigation and approach

12. The Commissioner must be satisfied that the facts of the complaint have been established on the balance of probabilities. This means the Commissioner must be satisfied that it is more likely than not that the alleged conduct occurred.

13. The following documentary evidence was received throughout the assessment and investigation of this complaint:

    i. the complaint form dated 28 November 2024, acknowledged 02 December 2024

    ii. email from the complainer dated 31 January 2025

    iii. emails from MSPs and Ministers dated 19 February – 14 April 2025, including Mr Mountain MSP's response dated 20 February 2025

    iv. the respondent's substantive response dated 05 May 2025 (provided on behalf of the respondent by Mr Scott)

    v. Mr Mountain MSP's response to information request dated 30 July 2025

    vi. the respondent's response to an information request dated 11 September 2025 (provided on behalf of the respondent by Mr Scott).

E. Chronology and factual findings

14. From the evidence at investigation, it is not disputed that:

    a. the respondent is represented by Mr Tavish Scott, who receives a salary from Salmon Scotland

    b. Salmon Scotland is aware it does not meet the statutory exemption provided for small organisations and regularly makes information returns to the Lobbying Register (with 14 full time and 2 part time staff)

    c. Salmon Scotland is a representative body

d. the respondent (represented by Mr Tavish Scott) met face-to-face with Mr Mountain MSP at his office on 25 October 2023 where oral communications took place

e. there is a note of that meeting, taken by Mr Mountain MSP's staff included with this report at **Appendix 1** (which the respondent, as represented by Mr Scott, contends is not verbatim and the Commissioner takes at face value being the only contemporaneous written record of a meeting in October 2023)

f. at that meeting, the respondent (as represented by Mr Scott) is shown by the note at **Appendix 1** to have said to Mr Mountain MSP: "The Board are very unhappy with you and are willing to take action against you, unless you retract your comments in Parliament."

g. the respondent (as represented by Mr Scott) was asking Mr Mountain MSP to retract comments made about the aquaculture industry during a Parliamentary session on 12 September 2023.

15. There are a number of key events which took place leading up to the 25 October 2023 meeting. A timeline of events is set out below:

Date	**Event**	**Source**
20 June 23	Mr Mountain MSP sends a letter to industry (copy to Salmon Scotland) requesting explanation for increased antibiotic use in the salmon farming industry and actions being taken by industry	Copy provided by respondent
05 July 23	Mr Scott replies to Mr Mountain MSP providing detailed factual information in response to Mr Mountain's questions (note: referred to his letter of "21 June 23" instead).	Copy provided by respondent
07 Sept 23	Mr Scott and Mr Mountain MSP see each other at a Botanical Gardens event. They speak briefly about setting up a meeting. It is unclear who requested it first.	Mr Scott and Mr Mountain
11 Sept 23	Mr Scott emails Mr Mountain MSP: "Good to see you on Thursday last at the Botanics. An entertaining evening. You asked for a meeting so could you have your office email [my staff] and arrange a date that suits your diary?"	Copy provided by respondent
12 Sept 23	Mr Mountain MSP attends and speaks at a meeting of the Parliament about the salmon farming industry and use of antibiotics.	Official Report
14 Sept 23	Mr Scott emails Mr Mountain MSP: "I reiterate my email from Monday this week and look forward to your office arranging a time when [third party] and I can meet you."	Copy provided by respondent

20 Sept 23	Mr Mountain MSP responds to Mr Scott: "I would welcome a meeting with you and I believe our offices are in contact. I am also happy to meet with [third party] if he wishes to."	Copy provided by respondent
09 Oct 23	Mr Scott replies to Mr Mountain MSP's email of 20 Sept 23 with correspondence to "address the issues you raised".	Copy provided by respondent
25 Oct 23	Meeting at Mr Mountain MSP's office at Parliament with Mr Scott (representing the respondent)	Note taken by Mr Mountain MSP's staff (Appendix 1)
02 Oct 24	Mr Mountain MSP refers to the 25 October 2023 meeting at the RAIC session	Official Report

16. This list of events above was shared with Mr Mountain MSP to confirm its accuracy. Mr Mountain MSP states: "From my recollection the dates and the timings appear to be correct."

17. Mr Scott was given an opportunity to review the chronology when a copy of this report was shared with him on 18 September 2025, as part of the statutory process set out in section 26(4) of the Act.

18. In any case, the Commissioner is satisfied from the evidential sources that the chronology of events is correct and not contentious.

F. Analysis of evidence and findings

19. In accordance with the Parliamentary Guidance on regulated lobbying and from the evidence at investigation, the meeting on 25 October 2023 already matches, at the very least:

    a. **Step 1** of the analysis because the meeting took place face-to-face

    b. **Step 4** of the analysis because Mr Scott is a paid representative of the respondent, Salmon Scotland (a representative body) and

    c. **Step 5** of the analysis because the respondent as represented by Mr Scott is **not** communicating:

        i. to raise an issue on his own behalf
        ii. to discuss the issue with a local MSP
        iii. in unpaid circumstances (instead he is salaried)
        iv. to speak on behalf of a small organisation
        v. during formal Scottish Parliament proceedings or required under statute
        vi. during a quorate meeting of CPGs of the Scottish Parliament
        vii. for the purposes of journalism
        viii. during negotiations about employment terms and conditions

ix. as or on behalf of a political party, judiciary, His Majesty or other named organisation under paragraphs 22 and 23 of the Schedule to the Act.

20. As a result, the contentious factual issues are relative only to Step 2 and 3 of the analysis, and a remaining exemption under Step 5. These are discrete issues. The Commissioner sets these out below.

Step 2: Was the meeting and communications at the meeting in relation to Scottish Government or Scottish parliamentary functions?

21. This question was put to both Mr Scott (on behalf of the respondent) and Mr Mountain MSP.

22. Mr Scott considers that his request for a correction of Mr Mountain MSP's statement in Parliament (at the 12 September 2023 session) is: "highly unlikely to fall within the scope of section 2(1)(e) of the Act and as such my request is not a relevant government or parliamentary function at all."

23. Mr Scott considers that "MSPs have personal responsibility to be accurate in their contributions to the Scottish Parliament and the *Guidance on the correction of inaccuracies of information provided in Parliamentary Proceedings* governs this process. A member requests a correction by contacting the Official Report."

24. Mr Scott continues: "If an error is identified, then it is the MSP's obligation to reflect on the Guidance and take steps to correct the parliamentary record if required. Nothing more turns on my request than reminding Mr Mountain of this personal obligation in the context of a discussion on factual information. It seems highly artificial (if not absurd) to conclude that responding to a request for factual information or a view (as is the case here), which is not lobbying per paragraph 12 of the Schedule to the Act, becomes lobbying simply by virtue of requesting an MSP to correct an error in line with their personal parliamentary obligations."

25. Mr Mountain MSP was asked what he thought Mr Scott was asking him to do. Mr Mountain MSP states: "It is my opinion that Mr Scott was asking me to withdraw my comments as the facts indicated that the actions of Salmon Scotland were not sustainable. He effectively asked me to withdraw the comments which I had made in the chamber. I absolutely will not withdraw any of my comments nor will his bullying force me to do so, therefore I took no further action."

26. The Commissioner considers the meeting and Mr Scott's statement to Mr Mountain MSP to "*retract your comments in Parliament"* is relative to Scottish parliamentary functions. On its face, the statement was plainly to ask that Mr Mountain MSP withdraw his prior comments made during a parliamentary debate. Mr Mountain MSP understood this to be what was being asked as well ("to withdraw comments made in chamber"). This would have involved Mr Mountain MSP correcting the Official Report, in accordance with the Guidance on correction or alternatively, and more likely on the balance of probabilities, in the view of the Commissioner, retracting his statement at a future meeting of the Parliament.

27. In any case, Mr Scott's reliance on the Guidance on correction, contrary to his view, adds to the likelihood that his request is in line with Scottish parliamentary

functions. The guidance itself expressly refers to correction by MSPs of contributions during Parliamentary proceedings (including answers to oral questions, statements and debates made in Chamber). Section 2(1)(e) of the Act provides that: "Government or parliamentary functions are – speaking, lodging a motion, voting or taking any other step in relation to a matter raised in proceedings of the Parliament." (emphasis added) Mr Scott described it as a "parliamentary obligation" of an MSP to correct the record. The respondent clearly understands that his request was for Mr Mountain MSP to correct a Parliamentary record because Mr Mountain MSP spoke at Parliamentary proceedings relative to a debate on a motion on celebrating the resilience of Scotland's food and drink sector (see Official Report, page 17 of the PDF). "Any other step" in relation to this, including the correction of what was said in accordance with the Guidance, must be in line with parliamentary functions, rather than not. A parliamentary function necessarily covers speaking in relation to a matter raised in proceedings, and any correction, because that correction would be relative to what was said. It would be a nonsensical outcome if the correction of a statement made by an MSP in chambers is not considered a parliamentary function, for the purposes of the Act.

28. The Commissioner is further supported in this view from Mr Scott's email to Mr Mountain MSP dated 14 September 2023, which states: "Your statement [made at the 12 September 2023 session] therefore accuses the salmon farming sector of acting illegally. I would be grateful if you would correct that mistake at the first opportunity in Parliament and on the public record." (emphasis added). This shows the underlying intention has consistently been to ask Mr Mountain MSP to withdraw his statements in both Parliament ***and*** on the public record, in the exercise of his parliamentary duties and in line with parliamentary functions.

29. As a result, the Commissioner considers that Step 2 of the regulated lobbying analysis is met in that the meeting and the respondent's request (as represented by Mr Scott) relates to Scottish parliamentary functions. This would be the case whether or not the respondent (as represented by Mr Scott) sought to have Mr Mountain make a public statement in the parliament, retracting the statements made during the course of his previous speech.

Step 3: Did the respondent, as represented by Mr Scott, use the meeting to inform or influence decisions on behalf of Salmon Scotland?

30. Mr Scott states: "This isn't a situation where a decision is being 'influenced' as envisaged by step 3 of the Parliamentary Guidance [on regulated lobbying]; it is at the most a request that the MSP engages (as the MSP should) with their parliamentary obligations, and the decision not correct the record is a personal and professional matter for the MSP."

31. Mr Mountain MSP understood the request was to "bully" (in his words) and force an outcome where Mr Mountain MSP corrects the Official Report by withdrawing his comments made in the chamber on 12 September 2023. Bullying conduct is not germane to any findings under the Act and as such the Commissioner makes no findings on the allegation of bullying conduct. However, the Commissioner acknowledges that the purpose of the meeting is important because it is directly relevant to any analysis under Steps 3 and 5.

32. The Commissioner considers that Mr Scott, on behalf of the respondent, did use the meeting to attempt to influence Mr Mountain MSP to withdraw his comments publicly and correct the Official Report. This is because Mr Scott said, immediately prior to his request, that there would be consequences if Mr Mountain MSP does not do so: "*The Board are very unhappy with you and are willing to take action against you, unless you retract your comments in Parliament."* (emphasis added) This in consequence is a threat, on its face, that Mr Mountain MSP will have action taken against him by the Board of Salmon Scotland unless his comments are withdrawn, which is a form of influence or pressure against Mr Mountain MSP to decide whether to withdraw his comments or not. In reaching this view, the Commissioner is fully cognisant that the note at Appendix 1 is not intended to be verbatim, but is persuaded that it did serve as a contemporaneous written record of the main points raised during their discussion. The comments allegedly made by the respondent's representative at the meeting clearly mirror the content of the email sent in September (see paragraph 28 above). This bolsters the Commissioner's view that the note was an accurate one.

33. For completeness, the Commissioner considers that the relevant consideration is not whether Mr Mountain MSP did ultimately decide to withdraw his comments or not, or whether there was in fact bullying conduct. These have no bearing under the Act or Parliamentary Guidance on regulated lobbying. The relevant consideration is only whether the meeting was used to influence Mr Mountain MSP to take a certain action (in this case to retract comments made in Parliamentary proceedings). The remainder of the meeting note evidences that Mr Mountain MSP immediately said to Mr Scott (after his request): "*Tavish you are dancing on the head of a pin. I am not withdrawing my comments.*" The Commissioner is clear that, on balance and without making any findings as to bullying conduct, Mr Mountain MSP in his evidence stated he felt bullied or pressured to take an action of withdrawing comments made; he felt the meeting was to "force an outcome" and the Respondent also recognises that he did request a correction of the parliamentary record at that meeting.

Step 5 exemption: Was the 25 October 2023 meeting in response to a request for information?

34. Both Mr Scott and Mr Mountain MSP were asked to provide input on this question.

35. Mr Scott replied: "I attended the meeting with Mr Mountain in response to a request from him to discuss factual information, for example, data reporting and antibiotic stewardship. While there was subsequent correspondence following Mr Mountain's statements in the Scottish Parliament, I attended the meeting of 25 October 2023 in order to provide factual information on request to Mr Mountain. This is consistent with my recollection of the meeting where Mr Mountain asked a series of questions to which I responded with factual information including evidence and data and as part of that exchange I requested that the record was corrected for accuracy. As such, Salmon Scotland and myself consider the communication complained of fell within paragraph 12 of the Schedule to the Act as the communication was made 'in response to a request for factual information or views' from Mr Mountain and as such, the communication was not lobbying and no information return was therefore required."

36. Mr Mountain MSP considers he did not request the meeting. He stated: "The reason for the meeting on 25th October was because I had been critical of salmon farming in Scotland and Mr Scott contacted me to tell me that I had used the wrong figures and not the ones the industry had provided on antibiotic use. I explained the reason why I used the figures that I had, as these were the figures which had been produced by the UK Government and I wasn't prepared to use figures produced by the industry themselves without verification. Therefore, he questioned why I wasn't prepared to use the figures, and I was happy to meet to discuss them. My understanding of the meeting on 25th October was to discuss the updated antibiotic use and reduced mortality figures which had been produced by the industry and at no stage did I think Mr Scott was attending my office to threaten me with legal action or campaign against me regarding the comments I made in Parliament on 12th September [2023]."

37. It is clear from those responses that there are conflicting views as to who requested the meeting on 25 October 2023 and its purported purpose. It is likely this will remain contentious between the respondent (as represented by Mr Scott) and Mr Mountain MSP. The Commissioner therefore requires to objectively consider and analyse the documentary evidence provided.

38. As set out in the chronology above, Mr Scott (on the respondent's behalf) had provided a chain of written communication between himself and Mr Mountain MSP to evidence that the meeting of 25 October 2023 was a culmination of requests for information by the MSP. The Commissioner can ascertain from the chronology that:

    a. The written communication began on 20 June 2023 where Mr Mountain MSP wrote: "I would be very grateful if you could explain your company's contribution to the rise in antibiotic usage, what actions it is taking to reverse the increase and whether your company anticipates its usage to have reduced by the time the Veterinary Medicines Directorate next reports?" The respondent responded to this on 05 July 2023 by a substantive letter, stating "I trust this letter provides you with sufficient information to better understand antibiotic use by Scotland's salmon farmers." The Commissioner observes this appears to be the end of the query, as a response was provided.

    b. The next occasion where Mr Scott and Mr Mountain MSP interacted was at a Botanical Garden event. Mr Scott states that Mr Mountain MSP said to him (as best he can recall) "I think we should meet up." Mr Mountain MSP states he did not believe that he had offered to meet with Mr Scott and says that "it was he who requested a meeting with me". However, there is a follow up email dated 11 September 2023 where the respondent writes to Mr Mountain MSP: "Good to see you…you asked for a meeting so could you have your office email [my staff] and arrange a date that suits your diary?" The Commissioner observes this suggests that Mr Mountain MSP had asked for a meeting.

    c. However, the purpose of that meeting is unclear. Mr Scott states that the meeting request "stemmed out of ongoing correspondence between us concerning accuracy in reporting mortality rates of farmed salmon and

antibiotic stewardship." Mr Mountain MSP states "When I saw Mr Scott at the Botanical Gardens, I would not have discussed the details contained in the previous correspondence, as we were at a social event." The Commissioner has no reason to question the credibility nor reliability of each account, there is no supporting or corroborating evidence either way. As a result, both accounts can only show, on balance, that the purpose of the meeting (as requested by Mr Mountain MSP) is unclear.

d. In any event, it is not disputed that Mr Mountain MSP then made statements in chamber on 12 September 2023. In particular, he states that: "Since 2017, the number of deaths of salmon in salmon farms has increased substantially…the only rise that we have seen in the past five years…is a 168% increase in the use of antibiotics in salmon farms. That, to me, is unacceptable."

e. Two days later, on 14 September 2023, Mr Scott emails Mr Mountain MSP with a subject line: "Edward mountain IGNORE LAST EMAIL!", stating "I was dismayed but not surprised to read your contribution to this week's Parliamentary debate on food and drink." The respondent asked why Mr Mountain MSP did not use the figures provided in Salmon Scotland's 05 July 2023 letter which states antibiotic use is comparable to that of 2017. The Commissioner observes that this supports the view that the question of antibiotic usage was requested and already answered, rather than any on-going request for information on Mr Mountain MSP's part. The email then states Mr Mountain MSP made "a serious allegation that…fish are dying when they are harvested and they still reach our tables". The respondent considers this accuses the salmon farming sector of acting illegally and then requests correction of that mistake at the first opportunity in Parliament and on public record. It then states "I…look forward to your office arranging a time when [another party] and I could meet you. There is a lot to discuss." The Commissioner observes that, again, this seems to suggest that Mr Mountain MSP had requested the meeting which was then scheduled for 25 October 2023. Indeed, Mr Mountain MSP's response on 20 September 2023 states "I would welcome a meeting with you and I believe our offices are in contact." He copied his head of office to arrange this.

f. However, as above, the purpose of the 25 October 2023 meeting is in dispute. Mr Scott maintains the meeting was to "ensure Mr Mountain knew and then used accurate facts and evidence". Mr Mountain MSP's view is that: "The reason for the meeting on 25th October was because I had been critical of salmon farming in Scotland and Mr Scott contacted me to tell me that I had used the wrong figures and not the ones the industry had provided on antibiotic use. I explained the reason why I used the figures that I had, as these were the figures which had been produced by the UK Government and I wasn't prepared to use figures produced by the industry themselves without verification. Therefore, he questioned why I wasn't prepared to use the figures, and I was happy to meet to discuss them." The Commissioner considers Mr Mountain MSP's view is more likely to be accurate, on the face of the emails of 14 and 20 September 2023. Within these communications, there was nothing to suggest that there was a request for information that was outstanding.

39. As a result, the Commissioner considers that on balance the meeting was not to discuss any request for information, as any request for information was already made in writing on 20 June and replied to on 05 July 2023. This means the Commissioner does not take a view and indeed is not required to take a view on whether Mr Mountain MSP or the respondent (as represented by Mr Scott) requested the meeting. On the face of Mr Scott's 11 September 2023 email to Mr Mountain MSP, it seems that Mr Mountain MSP had requested the meeting but it is credible that both parties could mutually agree a meeting would be helpful specifically to discuss the issues of (1) Mr Mountain MSP's choice of quoted figures in his statement on 12 September 2023 in the chamber and (2) his comment on fish mortality which the respondent considered suggested illegal activity in the aquaculture industry, both of which are not subject to information requests by that time.

40. It follows that the Commissioner does not consider there was any request for information that was outstanding at the time of the meeting on 25 October 2023. The Commissioner is further supported in this view from the substance of the meeting note, which shows (at times) heated exchanges between Mr Mountain MSP and Mr Scott strictly on the two issues mentioned above. Indeed, the meeting opens (after discussion on an alleged conflict of interest) with the respondent stating: "You need to withdraw the accusations you made in the chamber". The meeting note goes further to evidence that Mr Scott said "You [Mr Mountain MSP] could have emailed and we would have provided you the data you required. Indeed, we have provided you with data as a courtesy." The Commissioner observes that this tends to support the view that there was no request for information from Mr Mountain MSP (as he *could have emailed* but chose not to and the respondent *would have provided* data but was not asked to). Any data that was provided was already done "as a courtesy".

41. At investigation, Mr Scott was asked to indicate, from the meeting note as shown in Appendix 1, where it shows a request for information was being responded to. Mr Scott states this was the first occasion that he had seen the note as it was not previously shared with him by the MSP for comment and he considers it is "not a verbatim account and to that extent is not an accurate and complete record of discussion". Nonetheless, he considers Mr Mountain MSP's comment that "I'm just trying to get ahead of the game and see if issues which are current can be resolved and rectified" supports that Mr Mountain MSP asked to meet to discuss factual matters in relation to reporting of mortality and antibiotic stewardship. The Commissioner does not consider this to be credible, because on its face it is a statement appearing later in the meeting note relative to arranging a fish farm visit and recognising "There is a huge amount of work still ahead for your industry. Huge way to go with mortality" rather than capable of being understood as a request for information by the MSP.

42. Mr Scott also considers the text of the note "supports [his] account that the meeting as (in part) consisting of [the respondent's] response to questions relating to factual matters" as Mr Scott states, in the note, that Mr Mountain MSP "could have emailed and we would have provided you the data you require". The Commissioner has already considered this identical part of the meeting note above and does not consider it evidences that the meeting was held to provide responses to questions raised by the MSP.

43. In conclusion, the Commissioner does not find it credible that the purpose of the meeting on 25 October 2023 was for the respondent (as represented by Mr Scott) to provide data or information as requested by Mr Mountain MSP. The exemption under paragraph 12 of the Act therefore does not apply. As such, there is no exemption that is applicable under Step 5 of the Parliamentary Guidance on regulated lobbying.

44. The outcome is that the respondent (as represented by Mr Scott) should have provided an information return pursuant to section 11 of the Act for an occasion of regulated lobbying from Mr Scott's face-to-face meeting with Mr Mountain MSP on 25 October 2023. The information return should have stated the name of the person lobbied, the date, the location, a description of the meeting and its purpose (i.e. to publicly retract his statements and, further, to change the Parliamentary record on Mr Mountain MSP's statements made on 12 September 2023).

G. The Commissioner's views on the complaint

45. Based on the evidence gathered at investigation, and the above reasoning, the Commissioner's views on the complaint are as follows:

On 25 October 2023, the respondent (represented by Mr Tavish Scott) met with Mr Mountain MSP at Parliament to request that Mr Mountain MSP publicly retract in Parliament the comments he made about the aquaculture industry at a meeting of the Parliament on 12 September 2023. The respondent did not submit an information return for this meeting, contrary to the requirements of section 11 of the Act.

- **This is factually proven.**
- The respondent failed to submit an information return for the meeting, contrary to the requirements of section 11 of the Act (to comply with the duty to submit information returns).

H. Suspension of case and respondent's representations

46. In accordance with the requirements of the Act, the respondent was provided a copy of this draft report on 18 September 2025. The Respondent's solicitor met with the Investigating Officer on 01 October 2025 to discuss initial thoughts on the representations to be made. On 10 October 2025, the investigation was suspended as the Commissioner was required (pursuant to paragraph 11 of the Direction by the Standards, Procedures and Public Appointments Committee (relative to the 2016 Act) dated 07 September 2017) to submit a referral to the Crown Office and Procurator Fiscal Service (COPFS), given the draft report evidences that a registrant has committed the conduct complained about and, if proved, could constitute a criminal offence in accordance with section 42 of the 2016 Act. The Respondent was also informed of this suspension until further notice.

47. On 12 January 2026, the COPFS responded to the Commissioner confirming the COPFS view that any criminal charge relative to the Respondent in this instance is time barred since April 2024 and as a result it is not necessary to submit a report from the Commissioner to the COPFS. On 13 January 2026, the Commissioner informed the Standards, Procedures and Public Appointments Committee clerk and the Respondent that the suspension is lifted. The Commissioner initially requested the Respondent to provide representations on the draft report by 30 January 2026, but this was extended at their request to 20 February 2026.

48. On 20 February 2026, the Respondent's solicitors provided representations which are now appended as **Appendix 2.** A redline copy of the draft report showing the changes made to it upon receiving those representations is appended as **Appendix 3.**

49. Given the representations provided, the Commissioner has not changed his view that the Respondent has failed to submit an information return for the meeting contrary to section 11 of the Act to comply with the duty to submit information returns. This report is now finalised and referred to the Standards, Procedures and Public Appointments Committee for consideration.



Ian Bruce
Ethical Standards Commissioner

END OF REPORT

Meeting 25th October 2023, 1430hrs

EM, TC & Tavish Scott, Chief Executive – Salmon Scotland

Re salmon farming

TS – thanks for meeting given that you have a direct conflict of interest.

EM – no conflict of interest at all. I went through all my interests during every REC Committee meeting in which I was participating in.

TS – It is a complete play on words – 'I have declared it as far as I have declared it' – it is not giving a proper declaration of interests. We should move on.

EM – I'm not happy to move on.

TS – you need to withdraw the accusations you made in the Chamber.

EM – REC Committee, recommendation 3 – my position hasn't changed. I have never been anything other than totally open about my declared interests.

TS – the Board now don't trust you given your attacks on our industry, and they will take you on.

EM – Very happy to have a public spat about it.

TS – it would be really good if you met some scientists who can give you the evidence. You are using outdated data and won't listen to anyone about this.

EM – I am feeling bullied by you Tavish and if this is the way the meeting is going to go, I would like to conclude it just now.

TS – I find that extraordinary, no-one is bullying you. You could have emailed and we would have provided you the data you required. Indeed, we have provided you with data as a courtesy, it doesn't get published until next week.

EM – with all due respect, I am not using figures until they are independently verified.

TS – Your views on mortality are completely wrong and you know it.

EM – I was giving a clear representation of data which was given in evidence in the Committee.

TS – I completely disagree. What you said in the Chamber is completely untrue. You are accusing the industry of something which is illegal.

EM – there are fish who are in ill health which are getting into the food chain.

TS – No. Any aspect of ill health is treated. Only the healthy harvest reach the food chain.

EM – Fish with ¾ lifespan in sea and have issues with their gill health.

TS – any fish with gill health issues are disposed of and do not reach the food chain.

TS – you are accusing us of doing something illegal. If this is the case, then you should go to the Police. We are not allowed to harvest dead fish.

This issue and your attitude are top of the agenda for the next Board meeting. The Board are very unhappy with you and are willing to take action against you, unless you retract your comments in the Parliament.

EM – Tavish you are dancing on the head of a pin. I am not withdrawing my comments.

TS – Why don't you visit a fish farm of your choice and we can show you how the sector works.

EM – I am very happy to go to a fishfarm. It has to be a farm though not micro jelly fish. There is a huge amount of work still ahead for your industry. Huge way to go with mortality.

TS – some people want to close down the fish farming industry.

EM – I'm just trying to get ahead of the game and see if issues which are current can be resolved and rectified.

TS – My office will be in touch with your office to arrange a date for the visit to take place.

Meeting concluded at 1503hrs

Representations on the draft Report of the Ethical Standards Commissioner

For the attention of

The Standards, Procedures and Public Appointments Committee

Salmon Scotland Ltd

Case reference LSA/OTH/4218

These representations have been requested by the Ethical Standards Commissioner (**ESC**) in relation to the ESC's draft Report of the ESC under section 26 (4)(b) of the Lobbying (Scotland) Act 2016 (the **Act**). The ESC has not provided the opportunity for these representations to be updated in light of any changes that may have been made to the draft Report and so the draft Report may diverge from the final Report the Committee has been given.

The Respondent respectfully requests the Standards, Procedures and Public Appointments Committee (the **Committee**) to consider these representations. The Respondent is very happy to provide any additional information or clarification the Committee may require.

1. **Summary of the Respondent's position**
2. In summary Respondent's position is as follows:
   2.1. This case is one of 9 complaints that were raised by one complainer against the Respondent, Salmon Scotland Ltd. Only 1 was taken forward for investigation by the ESC. This concerned a meeting between the CEO of the Respondent (the **CEO**) and Mr Edward Mountain MSP (**MM**). The Respondent had taken the view that the meeting had been requested by MM for factual information (on farmed salmon data) and therefore exempt under the Act. The ESC has not taken a view on whether the meeting was requested by MM, holding that the meeting did not discuss any request MM may have made for factual information. The meeting did discuss data in relation to farmed salmon.
   2.2. The ESC relied on a note of the meeting taken by a member of MM's staff (the **Note**) without giving proper consideration to the evidential value of the Note, in particular failing to properly consider the implications of the Note not being provided to the Respondent's CEO at the time

for comment, and the Note being a partial/abbreviated account of the meeting. The Note has (improperly as the Respondent sees it) been used as the basis for findings in fact by the ESC, some of which are highly inflammatory (e.g. MM's contentions on bullying) and not actually required for the ESC to perform its statutory functions.

2.3. In any event the ESC has held that the meeting discussed the CEO's request for MM to correct the parliamentary record in relation to farmed salmon data that he referred to in the Scottish Parliament. The Respondent argues that there is an important wider public interest in ensuring the parliamentary record is corrected for accuracy, and that this is not 'lobbying' as would be generally understood, and indeed requesting a correction of the record does not clearly fall within step 3 of the Parliamentary Guidance. On one view to include such requests as lobbying devalues the importance of MSPs' own duties in respect of the Parliamentary record, and the wider public interest in maintaining accuracy in the proceedings of the Scottish Parliament. This is a matter that the Committee may feel requires additional consideration and guidance as all of these issues (including perhaps any unintended consequences of determining that such request constitute lobbying) could not be explored by the ESC in terms of its statutory remit.

2.4. The Respondent is assiduous in making returns to the Lobbying Register and explains in detail below its approach to making entries in the Lobbying Register from 18 March 2018, and its commitment to transparency, including going above and beyond the requirements of the Act by publishing <u>all</u> of its meetings with MSPs on its website. In the event the Committee concludes that a request to correct the Parliamentary record does comprise lobbying, the Respondent would respectfully ask the Committee to consider its record of making returns and its state of knowledge at the time of the relevant meeting.

3. **Introduction and context**

3.1. **Respondent:** The proper Respondent to case reference LSA/OTH/4218 is Salmon Scotland Ltd (**SS**) as it is SS that engages in regulated lobbying under section 8 of the Lobbying (Scotland) Act 2016 (the **Act**). These representations include and append as an Appendix, detailed comments on the draft Report (**Report Commentary**) that was shared with the Respondent. The first comment made in the Report Commentary is to ask for the correct respondent to be identified in the ESC's final Report. At the date of drafting these submissions

it is unclear whether the ESC has made this correction to the drafting of its final Report and if the change has not been made the Respondent would urge the Committee to accept the Respondent's position on this important topic, and adopt the reasoning of the Report Commentary on this matter.

3.2. **Complainer:** The complainer in this case, is the CEO of Green Britain Foundation. The Green Britain Foundation has called for the "*immediate closure of all salmon farming operations in Scotland*" see letter to the Rural Affairs and Islands Committee Salmon farming Green Britain Foundation. The complainer is not a disinterested party. She lodged 9 complaints against the Respondent with the ESC. This is the only complaint that was upheld by the ESC. The Committee should be aware that all of these complaints were in turn passed to the media against ESC guidance, presumably with the intention of creating negative publicity in regard to the Respondent. The complaint relates to a meeting the CEO of the Respondent had with Mr Mountain MSP (**MM**) who is a well-known critic of the farmed salmon industry in Scotland. We make these comments because this is not a case where parties are disinterested, but rather the complaint stems out of an ongoing and public debate between the parties over the farmed salmon industry in Scotland. It is notable, as we explain below that there was no attempt to hide or to keep the meeting secret and indeed it was discussed in the Scottish Parliament in October 2024 as part of the ongoing robust, and contentious, debate over the farmed salmon industry in Scotland.

4. **The Respondent's position**

4.1. The Respondent notes the finding ("**the Finding**") of the Ethical Standards Commissioner (the **ESC**) that there was a failure to report the meeting the Respondent's CEO (the **CEO**) had with MM on 25 October 2023 (the **Meeting**) under Section 11 of the Act and that at the meeting the CEO requested "*that Mr Mountain MSP publicly retract in Parliament the comments he made about the aquaculture industry at a meeting of the Parliament on 12 September 2023.".* The Respondent's position on the Finding is as follows:

4.1.1. The Respondent maintains that the Meeting was at the request of MM and that this is what the evidence shows. It was entirely reasonable for the Respondent to maintain that view as the matters discussed at that meeting concerned factual matters (data reporting)

relating to the farmed salmon industry in Scotland, and the evidence supports the Respondent's view that the Meeting was requested by MM.

4.1.2. The reasoning and approach to evidence by the ESC is inappropriate to assessing the complaint. First the ESC has failed to determine one of the central questions (relevant to an exemption under Schedule 1 paragraph 12), whether the Meeting was at the request of MM. Secondly, it relies on a close reading of the Note prepared by a staff member of MM that is of limited evidential value and fails to consider the purpose of the Note. The ESC prefers the credibility of MM even though MM has almost certainly not correctly remembered whether he requested the Meeting. It is also worth observing that determining its view on the nature of the Meeting required quite extensive analysis from the ESC which may not be appropriate to assessing 'the facts' in relation to the Meeting.

4.1.3. The Respondent's exemplary record in making returns to the Lobbying Register (including of meetings with MM) was not taken into account in assessing its credibility.

4.1.4. The ESC expressed the finding in the draft Report that MM felt bullied (a) without explaining, in full, the evidential basis for this conclusion and (b) why such a pejorative and inflammatory finding has been made when there is no requirement for the ESC to do so in terms of the Act. Making such an inflammatory finding in the absence of very clear evidence, and in the absence of an explicit statutory mandate is, in the Respondent's view both unwarranted and potentially damaging to both the Respondent and CEO.

4.1.5. The Respondent maintains that requesting a correction of the parliamentary record is not obviously lobbying as it involves consideration of wider and supervening public duties. That the Respondent did make this request is not disputed but whether such a request should fall within the Act is a matter of ongoing contention. It is not clear to the Respondent that requesting a correction (even if hotly contested) really does fall within the scope of the Act. The ESC states that it does because correcting the record relates to "*parliamentary functions*" and it would be a "*non-sensical [sic] outcome*" to hold otherwise. In the draft Report the ESC has not in the Respondent's view, fully explored all of the issues in relation to the wider public interest and supervening duties engaged in ensuring the Parliamentary record is accurate. The Respondent of course accepts that these wider issues are properly matters for the Committee to consider; we would ask the Committee

to consider this issue in particular as the ESC's decision may have unintended consequences for wider public participation in political life. The Respondent makes some additional comments on this topic below.

5. **The Committee's statutory powers**

5.1. The Respondent respects the conclusions reached by the ESC but notes that under s. 27 of the Act the Committee is not bound by the facts found by the ESC. It urges the Committee to consider the Respondent's representations as it considers the Report.

6. **Mitigation**

6.1. If it is the case that the Meeting did amount to regulated lobbying, then that is a matter of real regret to the Respondent. The Respondent would, however, ask the Committee to note that there is no guidance at all on this issue of 'correcting the record' and the questions raised by it are difficult and nuanced. There was no intention on the part of the Respondent to circumvent its obligations, and indeed its record on making assiduous returns to the Lobbying Register and its commitment to transparency speaks for itself. The Respondent would respectfully ask the Committee to take into account the following:

6.2. There has been no attempt to keep the Meeting secret or hidden. Indeed, the Meeting was discussed in parliamentary proceedings on 2 October 2024, and these proceedings are referred to (but not commented on) in the ESC Report.

6.3. The Respondent has been registered with the Lobbying Register from 15 March 2018 when the Act came into force. It has made 184 returns to the Lobbying Register since 2018. It is assiduous in ensuring that accurate returns are made to the Lobbying Register. This can be seen, for example, from the 3 returns made in connection with meetings with MM. One of these meetings comprised a short conversation in the margins of an event (Return ID 3326), one of a video conference (Return ID 22847) and one of a direct meeting (Return ID 11875). The Respondent's history of ensuring that even short conversations are entered on the Lobbying Register evidences a serious and transparent approach to its obligations under the Act. As can be seen, the Respondent sets itself high standards in is approach to its obligations to ensure accurate records are entered in the Lobbying Register.

6.4. Not only has the Respondent been making full returns to the Lobbying Register since 2018, it now, to ensure complete transparency across all of its activities, publishes on its own website

a summary of all face-to-face meetings with politicians whether or not these are regulated lobbying; in other words the Respondent goes above and beyond what is required by the Act in striving to be as transparent as possible. The summaries from November 2025 can be viewed here - salmon-scotland-political-engagement-november-2025

7. **Respondent's wider comments**

7.1. The Respondent has the following wider comments on the draft Report. It would be grateful if these could be considered by the Committee.

7.2. **The Meeting – purpose and evidential approach by the ESC**

7.2.1. The Respondent's position remains that:

7.2.2. The Meeting was at the request of MM in relation to factual matters concerning data relevant to the farmed salmon industry in Scotland (and as such subject to the exemption in Schedule 1 paragraph 12 of the Act);

7.2.3. While there were subsequent discussions between the CEO and MM the actual contents of the Meeting remained on these (disputed) factual matters concerning reporting of farmed salmon matters;

7.2.4. the approach to the evidence taken by the ESC was inappropriate to assessing this matter and the ESC gave undue and unwarranted weight to the Note that had never been shared with the CEO for comment at the time and was self-evidently not a complete or verbatim account of the Meeting. At points in the draft Report the ESC clearly treats the Note as an actual and accurate record of what was said (for example at paragraph 40 "ind*eed the meeting opens…with the respondent stating*"). Indeed the ESC never considered evidential weighting to any extent at all in the draft Report and did not consider why the Note was not shared with the CEO for comment at the time (as is standard practice across professions, and presumably to MSPs concerned with accuracy) and to what extent that might limit the overall weight that was given to the Note, and speak to issues of credibility. Indeed, the ESC notes some of these issues in paragraph 41 of the draft report without grappling with any of them;

7.2.5. The ESC finds the Respondent/and CEO's credibility to be in doubt in paragraph 41 of the draft Report following comments the Respondent made on being given a copy of the Note by the ESC. This is unfair. It was the ESC who decided to ask for comments on the

Note and the Respondent, while maintaining that the evidential value of the Note was limited, did so as requested. What the ESC has done here is to dispute the Respondent's view on a close reading of the Note, which the Respondent has already argued is not verbatim and of limited evidential value. The implied criticism levelled at the Respondent in this passage does not lessen the argument that a close reading of the Note (which is what the ESC relies on) is an inappropriate way to assess the Meeting.

7.2.6. The credibility of MM is preferred in relation to the purpose of the Meeting. For example, at paragraph 38 b when considering an email sent by the CEO following a brief interaction at the Royal Botanic Garden with MM, which stated that MM "*asked for a meeting*"; the ESC finds only that "*this suggests that Mr Mountain MSP had asked for a meeting*", and makes a similar comment at paragraph 38e. The ESC eventually declines to determine who requested the meeting (paragraph 39 of the draft report). This is quite extraordinary in circumstances where the request for a meeting for factual information constitutes an exemption under the Act. It is also notable that the ESC goes on at paragraph 38f of the draft Report to hold that that MM's account of the reason for the Meeting was "*accurate*" even though MM had almost certainly not remembered that he called for the meeting (for which there is compelling evidence).

7.3. **The ESC finding and 'correction of the parliamentary record'**

7.3.1. As explained above in paragraph 2.1.4 it is not clear to the Respondent that a request to correct the parliamentary record, which it will be recalled is the finding of the ESC, really does fall within the scope of the Act. The Respondent's position is that while the ESC argues that to find otherwise is 'nonsensical' as correction of the parliamentary record is clearly a 'parliamentary function' it does not really engage with the wider arguments.

7.3.2. In this case the ESC has made its finding without addressing the issue of whether a request to correct the record <u>for accuracy</u> should be treated as lobbying. Under the Lobbying Guidance, step 3 the question to ask is "*I used the opportunity to inform or influence decisions on behalf of my organisation (or those I represent)"* and if the answer is 'no' then the request is not regulated lobbying. The ESC has not, it seems to the Respondent, grappled with a situation (as here) where such a request is being made to ensure <u>accuracy</u> in the public record which is a matter of public interest albeit that this

might also be in the interests of other parties (here the Respondent). In other words when a person asks for the record to be corrected for accuracy the request is not necessarily 'on behalf' of an organisation but actually concerns a more fundamental issue; that the parliamentary public record that is relied on more generally is accurate, for example in relation to data. Indeed, the Respondent thinks there is a legitimate question on step 3 of the Guidance and whether that was ever intended to cover requests for correction. It seems to the Respondent that requests for accuracy in the public record are not self-evidently 'lobbying' given there is a wider public interest, and indeed there is a wide public interest in persons engaging with law makers to ensure that accuracy is maintained in the proceedings of the Scottish Parliament. While making sure a record is accurate might be to the advantage of a group/individual that has been misrepresented, that is an especially limited way to consider matters. It seems to the respondent that MSPs in general should welcome comments (and arguments) to ensure they are compliant with their wider duties and that to treat these communications as a species of lobbying seems problematic. The Respondent is unaware of previous determinations or guidance on this issue, which is not free from legal difficulty. In the broad circumstances of this case and given the record of the Respondent its approach was reasonable.

8. We are grateful to the Committee for reviewing these submissions and would be happy to engage with the Committee on any of these topics if that would be of assistance.

20 February 2026

APPENDIX

Comments on the draft ESC Report

1. **Identification of Respondent**: The Respondent considers that that name of the Respondent should be Salmon Scotland Ltd. It is Salmon Scotland Ltd who has the statutory obligations to make relevant entries in the Lobbying Register, not the CEO. As such it is Salmon Scotland Ltd who engages in regulated lobbying and has the statutory obligations under section 8 of the Act, and it is Salmon Scotland Ltd who would be liable under section 42. This leads to confusion in the Report as it appears from the Report that the legal obligations rest with the CEO of Salmon Scotland and that it not the case. For example, in paragraph 14a it is stated that "*the respondent receives a salary from Salmon Scotland*" and in 14d it is stated *the respondent* met face to face with Mr Mountain. While the CEO does indeed receive a salary and it was the CEO who met with Mr Mountain the Respondent is Salmon Scotland, not the CEO. This error is compounded in paragraph 14b where it is stated that "Salmon Scotland" is aware it does not meet the statutory exemption for small organisations, which is correct, but the question is whether *the Respondent* meets the statutory exemption. The Respondent would suggest that when the Report requires to refer to the CEO of Salmon Scotland Ltd as a person acting on behalf of the Respondent it does so, and otherwise refers to the Respondent accurately throughout the Report. This is a legally significant error that the Respondent would expect corrected as the Report moves to the Standards Procedures and Public Appointments Committee.
2. **Paragraph 1**: The reference to "on multiple occasions" should be specific and the exact number of complaints should be clarified. This is important context and there is no reason not to explain how many complaints have been made by this Complainer.
3. **Paragraph 3** - The Report notes the Rural Affairs & Island Committee session on 2 October 2024, but fails to reflect the fact that the meeting was in the public domain. In other words, there was no attempt by the Respondent to keep the meeting secret; a matter not reflected on by the Ethical Standards Commissioner (**ESC**).

4. **Paragraph 4** - Again, there are references to the 'multiple occasions' of unregistered regulated lobbying. This sentence is unclear and it should be clarified that there were a specific number of complaints from this Complainer, all but one of which were not upheld.

5. **Paragraph 14** – Please note the comments above where there is confusion between the use of the term 'Respondent' and 'Salmon Scotland' and the Respondent repeats its request that the drafting approach of the Report is changed to reflect the legal obligations under the Act.

6. **Paragraph 14 f:** The statement attributed to the CEO of the Respondent in this section is expressed as if it is an uncontested fact, and the draft report fails to mention/explain that this statement is reported in the Note provided by Mr Mountain (the **Note**). This statement is reported in the Note and it should be stated here that this comment is so reported.

7. **Paragraph 31** - Here the finding is expressed as "*Mr Mountain MSP understood the request was to "bully" and force and outcome* …". First, the language used is pejorative. Second, there is no evidence for the finding of bullying (if that indeed is the ESC's finding) and if Mr Mountain did in fact believe the meeting was to bully him then why did he proceed with it; was this a question the ESC asked itself or Mr Mountain? The use of the term "bullying" in this context is pejorative, verging on defamatory, and is not required for the ESC's analysis.

8. **Paragraph 32** - The ESC's conclusion that the Respondent's CEO did use the meeting to attempt to influence Mr Mountain is based entirely on the Note that was issued for review to the Respondent's CEO on 29 August 2025 by the ESC. The ESC has failed to reflect on the evidential value of the Note at all and, to that extent, has failed to properly analyse the evidence. We have been provided with no information on the provenance of the Note and what enquiries the ESC may have made on its creation, by whom and for what purpose. While the Respondent has accepted that the Note broadly reflects the tenor of the discussion, the Respondent has been clear that it is by no means a comprehensive or verbatim account, and it is not appropriate for the ESC to make such a finding without reflecting properly on the Note's evidential value. In any event, the ESC has failed to consider what the evidential value of the Note should be. It is notable that the fact the Note was never provided to the CEO of the Respondent for review and/or correction at the time is not a matter that the ESC considers further; it is clearly relevant and important to the reliance that should be placed on the Note. For example, why was the Note never shared with the Respondent's CEO

at the time as it normal practice across professions if the purpose of the Note was to record events accurately?

9. **Paragraph 33** - The ESC takes the view that Mr Mountain felt bullied; it is unclear what the evidence for this is and, in any event, whether such a pejorative comment is appropriate in this Report. It is of concern that serious allegations of bullying are being upheld when (i) there is no requirement for the ESC to do so and (ii) they are pejorative and unnecessary for the ESC's decision-making. It seems that, again, it is the evidence from the Note that leads to this finding without a proper and full consideration of the actual evidential value of the Note being considered or indeed how and why such a serious finding can be made by the ESC. All that the ESC requires is to consider whether a finding of 'influencing a decision' is made out on the evidence.

10. **Paragraph 38f**: The ESC finds that Mr Mountain's view, presumably as stated to the ESC, to be "*accurate*"; this is inconsistent with a finding on the balance of probabilities and given the nature of the evidence the ESC is reviewing.

11. **Paragraph 36** The ESC quotes extensively from Mr Mountain's statement to the ESC that there was a threat of "legal action or complaint against me". There is no independent evidence of any threat of legal action.

12. **Paragraph 41** - The ESC reaches a conclusion on whether there is evidence in the Note that Mr Mountain had asked to meet to discuss factual matters. This is rejected by the ESC on a close reading of the sequencing in the Note, and again with no thought having been given to the evidential value of the Note and a finding of credibility being made from the Note. The Respondent would simply observe in this context that a meeting which is a request for information can include other remarks, and it was the ESC who asked the Respondent for comments on the Note; that was the ESC's preferred approach to the evidence. The Respondent complied with the request and cannot and should not be criticised for attempting to grapple with the contents of the Note at the request of the ESC.

13. **General Observations:** It seems to the Respondent that the ESC's approach lacks rigour inasmuch as there is a failure to consider the evidential value of evidence the ESC relies on, conclusions are based on a close reading of some material (without taking into account the evidential value) and the draft Report itself contains pejorative and potentially defamatory commentary from Mr Mountain which is not, as a matter of fact, required by the ESC to reach a

view on the complaint. By including such commentary, and on some occasions accepting it, the ESC has acted in a way that is detrimental to the reputation of the Respondent and to the CEO of the Respondent. The Respondent requests that the ESC engages with the comments and observations made in this Appendix and makes the requested corrections in its final Report.

Ethical Standards Commissioner

Commissioner for Ethical Standards in Public Life in Scotland
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HE

THE COMMISSIONER'S REPORT

Under section 22(2)(b) of the Lobbying (Scotland) Act 2016 (the **Act**)

Case Ref:	LSA/OTH/4218
Date:	~~X September 2025~~24 February 2026
Complainer:	Ms Helen Taylor CEO Green Britain Foundation
COMPLAINT AGAINST	
Respondent:	~~Mr Tavish Scott~~ ~~CEO of~~ Salmon Scotland Ltd (also "Salmon Scotland", represented by CEO Mr Tavish Scott)

Summary: Failure to comply with section 11 of the Act

In the Commissioner's view, the Respondent failed to comply with section 11 of the Lobbying (Scotland) Act 2016 (the Act) for the reasons set out in this report.

~~This~~A draft of this Report has been shared with the Respondent for their representations. The representations ~~[changed / did~~ did not change~~]~~ the Commissioner's overall view on failure to comply although some have been given effect to in this final version of the report.

Contents

~~A. Overarching objective ..... 2~~
~~B. The assessment and admissibility of the complaint ..... 2~~
~~C. Details of the complaint ..... 3~~
~~D. Investigation and approach ..... 4~~
~~E. Chronology and factual findings ..... 4~~
~~F. Analysis of evidence and findings ..... 6~~

DRAFT

~~G. The Commissioner's views on the complaint ..... 12~~
~~H. The respondent's representations ..... 12~~
A. Overarching objective 2
B. The assessment and admissibility of the complaint 2
C. Details of the complaint 4
D. Investigation and approach 4
E. Chronology and factual findings 5
F. Analysis of evidence and findings 6
G. The Commissioner's views on the complaint 14
H. Suspension of case and respondent's representations 14

A. Overarching objective

The Act established a framework within which the Commissioner has a duty to investigate and report on a complaint that a ~~person~~registrant has or might have failed to comply with the duty to submit information returns under section 22(1)(c) of the Act, relative to section 11 of the Act. Section 11 of the Act requires an active registrant to submit an information return containing information in relation to each instance of regulated lobbying in a stipulated period.

The purpose of this document is to report on the Commissioner's investigation, the findings from investigation on a balance of probabilities, and the analysis of such findings supporting the investigation's outcome pursuant to section 22(2)(b) of the Act. Its contents comply with section 26(2) of the Act.

B. The assessment and admissibility of the complaint

1. On 28 November 2024, the complainer wrote to the Commissioner alleging the respondent breached lobbying regulations on ~~multiple~~nine occasions evidenced by emails and correspondence from a Scottish Government Environmental Information (Scotland) Regulations 2004 (EIR) release.

2. In the release, the emails and correspondence alluded to face-to-face meetings which took place between the respondent and MSPs, Ministers and Scottish Government officials since 1 January 2023 to 17 January 2024.

3. The complainer also referred to a statement by Mr Edward Mountain MSP at a Rural Affairs and Island Committee (**RAIC**) session on 02 October 2024, where he stated ~~to~~ the respondent, represented by its CEO Mr Tavish Scott "…On 25 October 2023, at 14:30, when you [~~respondent~~Mr Scott] came into my office, one of your comments which I note word for word because it was taken down for me, was: This issue and your attitude are top of the agenda for the next Board meeting. The Board are very unhappy with you and are willing to take action against you, unless you retract your comments in Parliament." The Official Report (at page 39 of the PDF) shows Mr Mountain MSP's statement. The 'comments' Mr Mountain MSP ~~was~~were being asked to retract took place at a meeting of the

DRAFT

Parliament on 12 September 2023, as shown in the Official Report (at page 25 of the PDF, at 15:40).

4. On 20 and 22 January 2025, the Commissioner's office assessed the complaint and the alleged ~~multiple~~nine occasions on which unregistered regulated lobbying had occurred. The Commissioner decided that the Scottish Government officials who the respondent (represented by Mr Scott) allegedly lobbied are not within the meaning of section 1(i)(a) of the Act as they are not the Permanent Secretary or Special Advisers. As a result, the Act does not apply to ~~the respondent's~~those meetings with them. The Commissioner decided that further information was needed in order to complete assessment relative to meetings with the MSPs and Ministers.

5. On 06 February 2025, the Commissioner wrote to the MSPs and Ministers to ask for their input on their respective meetings with the respondent (represented by Mr Scott) as set out in the complaint.

6. By 14 April 2025, all responses from the MSPs and Ministers were received. The Commissioner reviewed these to complete complaint assessment.

7. On 22 April 2025, the Commissioner wrote to the complainer and the respondent (represented by Mr Scott) to confirm that the complaints of alleged regulated lobbying meetings between an MSP and Ministers were not caught by the Act. In brief, this is because:

    a. one occasion of an alleged face-to-face meeting did not take place; and

    b. the other occasions of face-to-face meetings with the Ministers took place in the wider context of stakeholder engagement in response to aquaculture concerns relative to the Scottish Environment Protection Agency (SEPA) sea risk assessment framework, which underwent two public ~~consultation~~consultations both of which Salmon Scotland responded to. This fell within an exemption set out in paragraph 12 of the Schedule to the Act, which states a communication about a topic made in response to a request for factual information or views on that topic is not regulated lobbying.

8. However, the Commissioner ascertained that the respondent (represented by Mr Scott) and Mr Mountain MSP's meeting on 25 October 2023 (as referred to by Mr Mountain MSP at the RAIC session on 02 October 2024) did occur face-to-face and, in that meeting, the respondent had stated: "*The Board are very unhappy with you and are willing to take action against you, unless you retract your comments in Parliament.*" (emphasis added)

9. The Commissioner considered this specific meeting to be suggestive of regulated lobbying because, following the Parliamentary Guidance on regulated lobbying:
    - it took place face-to-face with oral communication

DRAFT

- the communication was about an MSP's comments made in the chamber of the Scottish Parliament; as such, it was made in relation to Scottish parliamentary functions[1]
- the opportunity and the nature of the conversation was to influence the MSP to retract in the Parliament comments previously made in Parliament
- the respondent is a paid representative of Salmon Scotland and
- the communication is not excluded by any other exemption in the Act.

10. The complaint already met the conditions in section 23(1)(a) and (b) of the Act. The Commissioner further considered the specific circumstances of the respondent's meeting (where the respondent is represented by Mr Scott) with Mr Mountain MSP on 25 October 2023 warranted further investigation, in line with the requirements for a complaint to be admissible under section 23(1)(c) and 23(4) of the Act. This is because the evidence suggests regulated lobbying had taken place and there could be a failure to comply with a requirement in section 22(1)(c) (a failure to comply with section 11 of the Act).

C. Details of the complaint

11. As a result, the part of the complaint that proceeded to Stage 2 investigation is:

On 25 October 2023, the respondent (represented by Mr Scott) met with Mr Mountain MSP at Parliament to request that Mr Mountain MSP publicly retract in Parliament the comments he made about the aquaculture industry at a meeting of the Parliament on 12 September 2023. The respondent did not submit an information return for this meeting, contrary to the requirements of section 11 of the Act.

D. Investigation and approach

12. The Commissioner must be satisfied that the facts of the complaint have been established on the balance of probabilities. This means the Commissioner must be satisfied that it is more likely than not that the alleged conduct occurred.

13. The following documentary evidence was received throughout the assessment and investigation of this complaint:

    i. the complaint form dated 28 November 2024, acknowledged 02 December 2024

    ii. email from the complainer dated 31 January 2025

    iii. emails from MSPs and Ministers dated 19 February – 14 April 2025, including Mr Mountain MSP's response dated 20 February 2025

    iv. the respondent's substantive response dated 05 May 2025 (provided on behalf of the respondent by Mr Scott)

[1] See section 1 (a) (iii) of the Act.

v. Mr Mountain MSP's response to information request dated 30 July 2025

vi. the respondent's response to an information request dated 11 September 2025~~.~~ (provided on behalf of the respondent by Mr Scott).

E. Chronology and factual findings

14. From the evidence at investigation, it is not disputed that:

a. the respondent is represented by Mr Tavish Scott, who receives a salary from Salmon Scotland

b. Salmon Scotland is aware it does not meet the statutory exemption provided for small organisations and regularly makes information returns to the Lobbying Register (with 14 full time and 2 part time staff)

c. Salmon Scotland is a representative body

d. the respondent (represented by Mr Tavish Scott) met face-to-face with Mr Mountain MSP at his office on 25 October 2023 where oral communications took place

e. there is a note of that meeting, taken by Mr Mountain MSP's staff included with this report at ~~**Appendix 1**~~ **Appendix 1** (which the respondent, as represented by Mr Scott, contends is not verbatim and the Commissioner takes at face value being the only contemporaneous written record of a meeting in October 2023)

f. at that meeting, the respondent (as represented by Mr Scott) is shown by the note at **Appendix 1** to have said to Mr Mountain MSP: "The Board are very unhappy with you and are willing to take action against you, unless you retract your comments in Parliament."

g. the respondent (as represented by Mr Scott) was asking Mr Mountain MSP to retract comments made about the aquaculture industry during a Parliamentary session on 12 September 2023.

15. There are a number of key events which took place leading up to the 25 October 2023 meeting. A timeline of events is set out below:

Date	Event	Source
20 June 23	Mr Mountain MSP sends a letter to industry (copy to Salmon Scotland) requesting explanation for increased antibiotic use in the salmon farming industry and actions being taken by industry	Copy provided by respondent
05 July 23	~~The respondent~~Mr Scott replies to Mr Mountain MSP providing detailed factual information in response to Mr	Copy provided by respondent

DRAFT

	Mountain's questions (note: referred to his letter of "21 June 23" instead).	
07 Sept 23	~~The respondent~~Mr Scott and Mr Mountain MSP see each other at a Botanical Gardens event. They speak briefly about setting up a meeting. It is unclear who requested it first.	~~Respondent~~ Mr Scott and Mr Mountain
11 Sept 23	~~The respondent~~Mr Scott emails Mr Mountain MSP: ~~"~~"Good to see you on Thursday last at the Botanics. An entertaining evening. You asked for a meeting so could you have your office email [my staff] and arrange a date that suits your diary?"	Copy provided by respondent
12 Sept 23	Mr Mountain MSP attends and speaks at a meeting of the Parliament about the salmon farming industry and use of antibiotics.	Official Report
14 Sept 23	~~The respondent~~Mr Scott emails Mr Mountain MSP: "I reiterate my email from Monday this week and look forward to your office arranging a time when Ben and I can meet you."	Copy provided by respondent
20 Sept 23	Mr Mountain MSP responds to ~~the respondent~~Mr Scott: "I would welcome a meeting with you and I believe our offices are in contact. I am also happy to meet with ~~Ben~~[third party] if he wishes to."	Copy provided by respondent
09 Oct 23	~~The respondent~~Mr Scott replies to Mr Mountain MSP's email of 20 Sept 23 with correspondence to "address the issues you raised".	Copy provided by respondent
25 Oct 23	Meeting at Mr Mountain MSP's office at Parliament with Mr Scott (representing the respondent)	Note taken by Mr Mountain MSP's staff (Appendix 1)
02 Oct 24	Mr Mountain MSP refers to the 25 October 2023 meeting at the RAIC session	Official Report

16. This list of events above was shared with Mr Mountain MSP to confirm its accuracy. Mr Mountain MSP states: "From my recollection the dates and the timings appear to be correct."

17. ~~The respondent is~~Mr Scott was given an opportunity to review the chronology when a copy of this report was shared with him on ~~x~~18 September 2025, as part of the statutory process set out in section 26(4) of the Act.

18. In any case, the Commissioner is satisfied from the evidential sources that the chronology of events is correct and not contentious.

F. Analysis of evidence and findings

19. In accordance with the Parliamentary Guidance on regulated lobbying and from the evidence at investigation, the meeting on 25 October 2023 already matches, at the very least:

DRAFT

a. **Step 1** of the analysis because the meeting took place face-to-face

b. **Step 4** of the analysis because ~~the respondent~~Mr Scott is a paid representative of the respondent, Salmon Scotland (a representative body) and

c. **Step 5** of the analysis because the respondent as represented by Mr Scott is **not** communicating:

   i. to raise an issue on his own behalf
   ii. to discuss the issue with a local MSP
   iii. in unpaid circumstances (instead he is salaried)
   iv. to speak on behalf of a small organisation
   v. during formal Scottish Parliament proceedings or required under statute
   vi. during a quorate meeting of CPGs of the Scottish Parliament
   vii. for the purposes of journalism
   viii. during negotiations about employment terms and conditions
   ix. as or on behalf of a political party, judiciary, His Majesty or other named organisation under paragraphs 22 and 23 of the Schedule to the Act.

20. As a result, the contentious factual issues are relative only to Step 2 and 3 of the analysis, and a remaining exemption under Step 5. These are discrete issues. The Commissioner sets these out below.

Step 2: Was the meeting and communications at the meeting in relation to Scottish Government or Scottish parliamentary functions?

21. This question was put to both Mr Scott (on behalf of the respondent) and Mr Mountain MSP.

22. ~~The respondent~~Mr Scott considers that his request for a correction of Mr Mountain MSP's statement in Parliament (at the 12 September 2023 session) is: "highly unlikely to fall within the scope of section 2(1)(e) of the Act and as such my request is not a relevant government or parliamentary function at all."

23. ~~The respondent~~Mr Scott considers that "MSPs have personal responsibility to be accurate in their contributions to the Scottish Parliament and the *Guidance on the correction of inaccuracies of information provided in Parliamentary Proceedings* governs this process. A member requests a correction by contacting the Official Report."

24. ~~The respondent~~Mr Scott continues: "If an error is identified, then it is the MSP's obligation to reflect on the Guidance and take steps to correct the parliamentary record if required. Nothing more turns on my request than reminding Mr Mountain of this personal obligation in the context of a discussion on factual information. It seems highly artificial (if not absurd) to conclude that responding to a request for factual information or a view (as is the case here), which is not lobbying per paragraph 12 of the Schedule to the Act, becomes lobbying simply by virtue of

DRAFT

requesting an MSP to correct an error in line with their personal parliamentary obligations."

25. Mr Mountain MSP was asked what he thought ~~the respondent~~Mr Scott was asking him to do. Mr Mountain MSP states: "It is my opinion that Mr Scott was asking me to withdraw my comments as the facts indicated that the actions of Salmon Scotland were not sustainable. He effectively asked me to withdraw the comments which I had made in the chamber. I absolutely will not withdraw any of my comments nor will his bullying force me to do so, therefore I took no further action."

26. The Commissioner considers the meeting and ~~the respondent's~~Mr Scott's statement to Mr Mountain MSP to "*retract your comments in Parliament"* is relative to Scottish parliamentary functions. On its face, the statement was plainly to ask that Mr Mountain MSP withdraw his prior comments made during ~~Parliamentary sessiona~~ parliamentary debate. Mr Mountain MSP understood this to be what was being asked as well ("to withdraw comments made in chamber"). This would have involved Mr Mountain MSP correcting the Official Report, in accordance with the Guidance on correction or alternatively, and more likely on the balance of probabilities, in the view of the Commissioner, retracting his statement at a future meeting of the Parliament.

27. In any case, ~~the respondent's~~Mr Scott's reliance on the Guidance on correction, contrary to his view, adds to the likelihood that his request is in line with Scottish parliamentary functions. The guidance itself expressly refers to correction by MSPs of contributions during Parliamentary proceedings (including answers to oral questions, statements and debates made in Chamber). Section 2(1)(e) of the Act provides that: "Government or parliamentary functions are – speaking, lodging a motion, voting or taking any other step in relation to a matter raised in proceedings of the Parliament." (emphasis added) ~~The respondent~~Mr Scott described it as a "parliamentary obligation" of an MSP to correct the record. The respondent clearly understands that his request was for Mr Mountain MSP to correct a Parliamentary record because Mr Mountain MSP spoke at Parliamentary proceedings relative to a debate on a motion on celebrating the resilience of Scotland's food and drink sector (see Official Report, page 17 of the PDF). "Any other step" in relation to this, including the correction of what was said in accordance with the Guidance, must be in line with parliamentary functions, rather than not. A parliamentary function necessarily covers speaking in relation to a matter raised in proceedings, and any correction, because that correction would be relative to what was said. It would be a ~~non-sensical~~nonsensical outcome if the correction of a statement made by an MSP in chambers is not considered a parliamentary function, for the purposes of the Act.

28. The Commissioner is further supported in this view from ~~the respondent's~~Mr Scott's email to Mr Mountain MSP dated 14 September 2023, which states: "Your statement [made at the 12 September 2023 session] therefore accuses the salmon farming sector of acting illegally. I would be grateful if you would correct that mistake at the first opportunity in Parliament and on the public record." (emphasis added). This shows the underlying intention has consistently been to ~~request~~ask Mr Mountain MSP to withdraw his statements in both Parliament ***and*** on the public record, in the exercise of his parliamentary duties and in line with parliamentary functions.

DRAFT

29. As a result, the Commissioner considers that Step 2 of the regulated lobbying analysis is met in that the meeting and the respondent's request (as represented by Mr Scott) relates to Scottish parliamentary functions. This would be the case whether or not the respondent (as represented by Mr Scott) sought to have Mr Mountain make a public statement in the parliament, retracting the statements made during the course of his previous speech.

Step 3: Did the respondent, as represented by Mr Scott, use the meeting to inform or influence decisions on behalf of Salmon Scotland?

30. ~~The respondent~~Mr Scott states: "This isn't a situation where a decision is being 'influenced' as envisaged by step 3 of the Parliamentary Guidance [on regulated lobbying]; it is at the most a request that the MSP engages (as the MSP should) with their parliamentary obligations, and the decision not correct the record is a personal and professional matter for the MSP."

31. Mr Mountain MSP understood the request was to "bully" (in his words) and force an outcome where Mr Mountain MSP corrects the Official Report by withdrawing his comments made in ~~chambers on 12 September 2023.~~the chamber on 12 September 2023. Bullying conduct is not germane to any findings under the Act and as such the Commissioner makes no findings on the allegation of bullying conduct. However, the Commissioner acknowledges that the purpose of the meeting is important because it is directly relevant to any analysis under Steps 3 and 5.

32. The Commissioner considers that Mr Scott, on behalf of the respondent, did use the meeting to attempt to influence Mr Mountain MSP to withdraw his comments publicly and correct the Official Report. This is because ~~the respondent~~Mr Scott said, immediately prior to his request, that there would be consequences if Mr Mountain MSP does not do so: "*The Board are very unhappy with you and are willing to take action against you, unless you retract your comments in Parliament.*" (emphasis added) This in consequence is a threat, on its face, that Mr Mountain MSP will have action taken against him by the Board of Salmon Scotland unless his comments are withdrawn, which is a form of influence or pressure against Mr Mountain MSP to decide whether to withdraw his comments or not. ~~-~~In reaching this view, the Commissioner is fully cognisant that the note at Appendix 1 is not intended to be verbatim, but is persuaded that it did serve as a contemporaneous written record of the main points raised during their discussion. The comments allegedly made by the respondent's representative at the meeting clearly mirror the content of the email sent in September (see paragraph 28 above). This bolsters the Commissioner's view that the note was an accurate one.

33. For completeness, the Commissioner considers that the relevant consideration is not whether Mr Mountain MSP did ultimately decide to withdraw his comments or not~~. That has~~, or whether there was in fact bullying conduct. These have no bearing under the Act or Parliamentary Guidance on regulated lobbying. The relevant consideration is only whether the meeting was used to influence Mr Mountain MSP to take a certain action (in this case to retract comments made in Parliamentary proceedings). The remainder of the meeting note evidences that Mr Mountain MSP immediately said to ~~the respondent~~Mr Scott (after his request):

DRAFT

"*Tavish you are dancing on the head of a pin. I am not withdrawing my comments.*" The Commissioner is clear that, on balance and without making any findings as to bullying conduct, Mr Mountain MSP in his evidence stated he felt bullied or pressured to take an action of withdrawing comments made ~~and as recorded in~~ ; he felt the ~~official report~~meeting was to "force an outcome" and ~~this is~~the Respondent also ~~clearly what Mr Mountain MSP understood to have occurred~~recognises that he did request a correction of the parliamentary record at that meeting.

Step 5 exemption: Was the 25 October 2023 meeting in response to a request for information?

34. ~~The respondent~~Both Mr Scott and Mr Mountain MSP were asked to provide input on this question.

35. ~~The respondent~~Mr Scott replied: "I attended the meeting with Mr Mountain in response to a request from him to discuss factual information, for example, data reporting and antibiotic stewardship. While there was subsequent correspondence following Mr Mountain's statements in the Scottish Parliament, I attended the meeting of 25 October 2023 in order to provide factual information on request to Mr Mountain. This is consistent with my recollection of the meeting where Mr Mountain asked a series of questions to which I responded with factual information including evidence and data and as part of that exchange I requested that the record was corrected for accuracy. As such, Salmon Scotland and myself consider the communication complained of fell within paragraph 12 of the Schedule to the Act as the communication was made 'in response to a request for factual information or views' from Mr Mountain and as such, the communication was not lobbying and no information return was therefore required."

Appendix 3

36. Mr Mountain MSP considers he did not request the meeting. He stated: "The reason for the meeting on 25th October was because I had been critical of salmon farming in Scotland and Mr Scott contacted me to tell me that I had used the wrong figures and not the ones the industry had provided on antibiotic use. I explained the reason why I used the figures that I had, as these were the figures which had been produced by the UK Government and I wasn't prepared to use figures produced by the industry themselves without verification. Therefore, he questioned why I wasn't prepared to use the figures, and I was happy to meet to discuss them. My understanding of the meeting on 25th October was to discuss the updated antibiotic use and reduced mortality figures which had been produced by the industry and at no stage did I think Mr Scott was attending my office to threaten me with legal action or campaign against me regarding the comments I made in Parliament on 12th September [2023]."

37. It is clear from those responses that there are conflicting views as to who requested the meeting on 25 October 2023 and its purported purpose. It is likely this will remain contentious between the respondent (as represented by Mr Scott) and Mr Mountain MSP. The Commissioner therefore requires to objectively consider and analyse the documentary evidence provided.

DRAFT

38. As set out in the chronology above, ~~the respondent~~Mr Scott (on the respondent's behalf) had provided a chain of written communication between himself and Mr Mountain MSP to evidence that the meeting of 25 October 2023 was a culmination of requests for information by the MSP. The Commissioner can ascertain from the chronology that:

    a. The written communication began on 20 June 2023 where Mr Mountain MSP wrote: "I would be very grateful if you could explain your company's contribution to the rise in antibiotic usage, what actions it is taking to reverse the increase and whether your company anticipates its usage to have reduced by the time the Veterinary Medicines Directorate next reports?" The respondent responded to this on 05 July 2023 by a substantive letter, stating "I trust this letter provides you with sufficient information to better understand antibiotic use by Scotland's salmon farmers." The Commissioner observes this appears to be the end of the query, as a response was provided.

    b. The next occasion where ~~the respondent~~Mr Scott and Mr Mountain MSP interacted was at a Botanical Garden event. ~~The respondent~~Mr Scott states that Mr Mountain MSP said to him (as best he can recall) "I think we should meet up." Mr Mountain MSP states he did not believe that he had offered to meet with Mr Scott and says that "it was he who requested a meeting with me". However, there is a follow up email dated 11 September 2023 where the respondent writes to Mr Mountain MSP: "Good to see you…you asked for a meeting so could you have your office email [my staff] and arrange a date that suits your diary?" The Commissioner observes this suggests that Mr Mountain MSP had asked for a meeting.

    c. However, the purpose of that meeting is unclear. ~~The respondent~~Mr Scott states that the meeting request "stemmed out of ongoing correspondence between us concerning accuracy in reporting mortality rates of farmed salmon and antibiotic stewardship." Mr Mountain MSP states "When I saw Mr Scott at the Botanical Gardens, I would not have discussed the details contained in the previous correspondence, as we were at a social event." The Commissioner has no reason to question the credibility nor reliability of each account, there is no supporting or corroborating evidence either way. As a result, both accounts can only show, on balance, that the purpose of the meeting (as requested by Mr Mountain MSP) is unclear.

    d. In any event, it is not disputed that Mr Mountain MSP then made statements in chamber on 12 September 2023. In particular, he states that: "Since 2017, the number of deaths of salmon in salmon farms has increased substantially…the only rise that we have seen in the past five years…is a 168% increase in the use of antibiotics in salmon farms. That, to me, is unacceptable."

    e. Two days later, on 14 September 2023, ~~the respondent~~Mr Scott emails Mr Mountain MSP with a subject line: "Edward mountain IGNORE LAST EMAIL!", stating "I was dismayed but not surprised to read your contribution

DRAFT

to this week's Parliamentary debate on food and drink." The respondent asked why Mr Mountain MSP did not use the figures provided in Salmon Scotland's 05 July 2023 letter which states antibiotic use is comparable to that of 2017. The Commissioner observes that this supports the view that the question of antibiotic usage was requested and already answered, rather than any on-going request for information on Mr Mountain MSP's part. The email then states Mr Mountain MSP made "a serious allegation that…fish are dying when they are harvested and they still reach our tables". The respondent considers this accuses the salmon farming sector of acting illegally and then requests correction of that mistake at the first opportunity in Parliament and on public record. It then states "I…look forward to your office arranging a time when [another party] and I could meet you. There is a lot to discuss." The Commissioner observes that, again, this seems to suggest that Mr Mountain MSP had requested the meeting which was then scheduled for 25 October 2023. Indeed, Mr Mountain MSP's response on 20 September 2023 states "I would welcome a meeting with you and I believe our offices are in contact~~"~~." He copied his head of office to arrange this.

f. However, as above, the purpose of the 25 October 2023 meeting is in dispute. ~~The respondent~~Mr Scott maintains the meeting was to "ensure Mr Mountain knew and then used accurate facts and evidence". Mr Mountain MSP's view is that: "The reason for the meeting on 25th October was because I had been critical of salmon farming in Scotland and Mr Scott contacted me to tell me that I had used the wrong figures and not the ones the industry had provided on antibiotic use. I explained the reason why I used the figures that I had, as these were the figures which had been produced by the UK Government and I wasn't prepared to use figures produced by the industry themselves without verification. Therefore, he questioned why I wasn't prepared to use the figures, and I was happy to meet to discuss them." The Commissioner considers Mr Mountain MSP's view is more likely to be accurate, on the face of the emails of 14 and 20 September 2023. Within these communications, there was nothing to suggest that there was a request for information that was outstanding.

39. As a result, the Commissioner considers that on balance the meeting was not to discuss any request for information, as any request for information was already made in writing on 20 June and replied to on 05 July 2023. ~~The~~ This means the Commissioner does not take a view and indeed is not required to take a view on whether Mr Mountain MSP or the respondent (as represented by Mr Scott) requested the meeting. On the face of ~~the respondent's~~Mr Scott's 11 September 2023 email to Mr Mountain MSP, it seems that Mr Mountain MSP had requested the meeting but it is credible that both parties could mutually agree a meeting would be helpful specifically to discuss the issues of (1) Mr Mountain MSP's choice of quoted figures in his statement on 12 September 2023 in the chamber and (2) his comment on fish mortality which the respondent considered suggested illegal activity in the aquaculture industry~~.~~, both of which are not subject to information requests by that time.

40. It follows that the Commissioner does not consider there was any request for information that was outstanding at the time of the meeting on 25 October 2023. The Commissioner is further supported in this view from the substance of the meeting note, which shows ~~-~~(at times) heated exchanges between Mr Mountain

MSP and ~~the respondent~~Mr Scott strictly on the two issues mentioned above. Indeed, the meeting opens (after discussion on an ~~apparent~~alleged conflict of interest) with the respondent stating: "You need to withdraw the accusations you made in the chamber". The meeting note goes further to evidence that ~~the respondent~~Mr Scott said "You [Mr Mountain MSP] could have emailed and we would have provided you the data you required. Indeed, we have provided you with data as a courtesy." The Commissioner observes that this tends to support the view that there was no request for information from Mr Mountain MSP (as he *could have emailed* but chose not to and the respondent *would have provided* data but was not asked to). Any data that was provided was already done "as a courtesy".

41. At investigation, ~~the respondent~~Mr Scott was asked to indicate, from the meeting note as shown in Appendix 1, where it shows a request for information was being responded to. ~~The respondent~~Mr Scott states this was the first occasion that he had seen the note as it was not previously shared with him by the MSP for comment and he considers it is "not a verbatim account and to that extent is not an accurate and complete record of discussion". Nonetheless, he considers Mr Mountain MSP's comment that "I'm just trying to get ahead of the game and see if issues which are current can be resolved and rectified" supports that Mr Mountain MSP asked to meet to discuss factual matters in relation to reporting of mortality and antibiotic stewardship. The Commissioner does not consider this to be credible, because on its face it is a statement appearing later in the meeting note relative to arranging a fish farm visit and recognising "There is a huge amount of work still ahead for your industry. Huge way to go with mortality" rather than capable of being understood as a request for information by the MSP.

42. ~~The respondent~~Mr Scott also considers the text of the note "supports [his] account that the meeting as (in part) consisting of [the respondent's] response to questions relating to factual matters" as ~~the respondent~~Mr Scott states, in the note, that Mr Mountain MSP "could have emailed and we would have provided you the data you require". The Commissioner has already considered this identical part of the meeting note above and does not consider it evidences that the meeting was held to provide responses to questions raised by the MSP.

43. In conclusion, the Commissioner does not find it credible that the purpose of the meeting on 25 October 2023 was for the respondent (as represented by Mr Scott) to provide data or information as requested by Mr Mountain MSP. The exemption under paragraph 12 of the Act therefore does not apply. As such, there is no exemption that is applicable under Step 5 of the Parliamentary Guidance on regulated lobbying.

44. The outcome is that the respondent (as represented by Mr Scott) should have provided an information return pursuant to section 11 of the Act for an occasion of regulated lobbying from ~~his~~Mr Scott's face-to-face meeting with Mr Mountain MSP on 25 October 2023. The information return should have stated the name of the person lobbied, the date, the location, a description of the meeting and its purpose (i.e. to publicly retract his statements and, further, to change the Parliamentary record on Mr Mountain MSP's statements made on 12 September 2023).

DRAFT

G. The Commissioner's views on the complaint

45. Based on the evidence gathered at investigation, and the above reasoning, the Commissioner's views on the complaint are as follows:

> **On 25 October 2023, the respondent (represented by Mr Tavish Scott) met with Mr Mountain MSP at Parliament to request that Mr Mountain MSP publicly retract in Parliament the comments he made about the aquaculture industry at a meeting of the Parliament on 12 September 2023. The respondent did not submit an information return for this meeting, contrary to the requirements of section 11 of the Act.**
>
> - **This is factually proven.**
> - The respondent failed to submit an information return for the meeting, contrary to the requirements of section 11 of the Act (to comply with the duty to submit information returns).

H. ~~The~~Suspension of case and respondent's representations

46. In accordance with the requirements of the Act, the respondent was provided a copy of this draft report on ~~x.~~18 September 2025. The Respondent's solicitor met with the Investigating Officer on 01 October 2025 to discuss initial thoughts on the representations to be made. On 10 October 2025, the investigation was suspended as the Commissioner was required (pursuant to paragraph 11 of the Direction by the Standards, Procedures and Public Appointments Committee (relative to the 2016 Act) dated 07 September 2017) to submit a referral to the Crown Office and Procurator Fiscal Service (COPFS), given the draft report evidences that a registrant has committed the conduct complained about and, if proved, could constitute a criminal offence in accordance with section 42 of the 2016 Act. The Respondent was also informed of this suspension until further notice.

47. On 12 January 2026, the COPFS responded to the Commissioner confirming the COPFS view that any criminal charge relative to the Respondent in this instance is time barred since April 2024 and as a result it is not necessary to submit a report from the Commissioner to the COPFS. On 13 January 2026, the Commissioner informed the Standards, Procedures and Public Appointments Committee clerk and the Respondent that the suspension is lifted. The Commissioner initially requested the Respondent to provide representations on the draft report by 30 January 2026, but this was extended at their request to 20 February 2026.

48. On 20 February 2026, the Respondent's solicitors provided representations which are ~~attached at~~ now appended as **Appendix** ~~x.~~ **2.** A redline copy of the draft report showing the changes made to it upon receiving those representations is appended as **Appendix 3.**

DRAFT

~~46.~~49. Given the representations provided, the Commissioner has not changed his view that the Respondent has failed to submit an information return for the meeting contrary to section 11 of the Act to comply with the duty to submit information returns. This report is now finalised and referred to the Standards, Procedures and Public Appointments Committee for consideration.



Ian Bruce
Ethical Standards Commissioner

END OF REPORT

DRAFT