

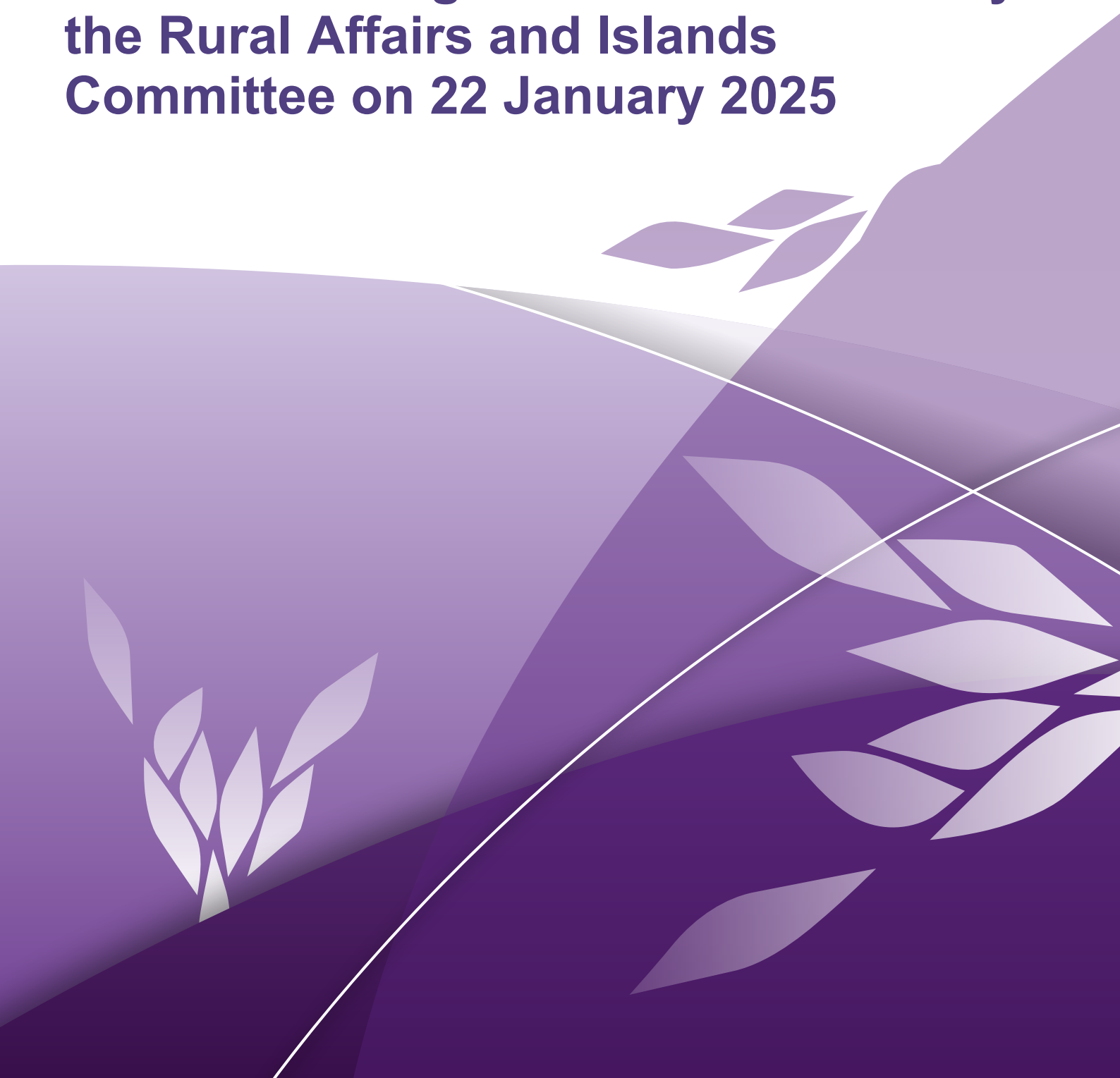


The Scottish Parliament
Pàrlamaid na h-Alba

Published 24 January 2025
SP Paper 726
2nd Report, 2025 (Session 6)

Rural Affairs and Islands Committee

Subordinate legislation considered by the Rural Affairs and Islands Committee on 22 January 2025



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Rural Affairs and Islands Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands, with the exception of matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland, and Royal Botanic Garden.



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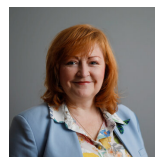
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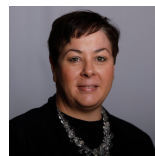
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Introduction

1. At its meeting on 22 January 2025, the Rural Affairs and Island considered the [Conservation of Salmon \(Miscellaneous Amendment\) \(Scotland\) Regulations 2024](#). The Committee also considered a motion to annul the instrument which had been lodged by Jackie Baillie MSP.

The Conservation of Salmon (Miscellaneous Amendment) (Scotland) Regulations 2024

2. The Conservation of Salmon (Miscellaneous Amendment) (Scotland) Regulations 2024 were laid in the Scottish Parliament on 6 December 2024 and are subject to the negative procedure. The instrument was laid under the [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003](#) and was referred to the Rural Affairs and Islands Committee for consideration. The date of commencement for the instrument is 24 February 2025.
3. The instrument would amend the Conservation of Salmon (Annual Close Time and Catch and Release) (Scotland) Regulations 2014 which define the timeframes for which salmon can be caught and the annual close times for salmon fishery districts. The instrument would add “25 February to 31 March” to the Annan Salmon Fishery District schedule in order to “reinstate the Annan early rod season, permitting fishing by rod and line where retaining salmon is prohibited”.
4. The instrument would also amend the Conservation of Salmon (Scotland) Regulations 2016 which make provision for the conservation of salmon in Scotland. The instrument would amend the areas of inland waters where there is a prohibition on the retention of any salmon caught in order to “reflect the most recent stock assessment for the 2025 salmon fishing season”. Details of the most recent stock assessment are listed in the schedule to the instrument.
5. Regarding implications for EU alignment, the policy note states the amendment to the 2014 regulations “would bring the Annan in line with the other districts in Scotland” where the retention of salmon is prohibited during specific periods in the early (closed) season. The policy note states that these periods “maintain and advance the high standards that Scotland shares with the EU on environmental protection”. Concerning the proposed amendment to the 2016 regulations, the policy note states that the change “would align with the EU Habitats Directive by continuing to prohibit the retention of Atlantic salmon caught in any coastal waters in a salmon fishery district and in specified areas of inland waters”.
6. The Scottish Government ran a consultation on the proposed changes from 7 August to 6 September 2024 and received [37 responses](#) from individuals and organisations.
7. The issues raised by respondents included the assessment approach and methodology, poaching of salmon, habitat degradation and the proposed river gradings. The policy note states that the river gradings for the Clyde and Hinnisdal were altered as a result of consultation representations.
8. The Scottish Government completed a Business and Regulatory Impact Assessment for the proposed changes. The policy note states that the impact of the policy on business would be “minimal”. An Equality Impact Assessment was not completed for the regulations “as they do not impact on specific protected characteristics set out in the Equalities legislation”. The policy note points out that

while “[a]ll individuals are still permitted to fish for salmon, it is only the retention of salmon which has been prohibited in certain inland waters”.

Delegated Powers and Law Reform Committee consideration of the instrument

9. The Delegated Powers and Law Reform (DPLR) Committee considered the instrument at its meeting on 17 December 2024 and reported on it in its [78th Report, 2024](#). The DPLR Committee made no recommendations in relation to the instrument.

Rural Affairs and Islands Committee consideration of the instrument and motion to annul

10. At its [meeting on 22 January 2025](#), the Rural Affairs and Islands Committee took evidence on the instrument from the Cabinet Secretary for Rural Affairs, Land Reform and Islands and Scottish Government officials.
11. The Cabinet Secretary told the Committee that the regulations were "designed to manage the exploitation of salmon sustainably" while also enabling anglers and fisheries owners to continue their activities. She stated that the regulations were "key" to delivering the Wild Salmon Strategy on river systems where wild salmon are most at risk and need protection through mandatory catch and release, and that the proposed river gradings "use best available evidence and data that we have".
12. Referring to the River Endrick specifically, the Cabinet Secretary said that "catches have declined in recent years and the proposed mandatory catch and release is required to support the recovery of stocks in the river". She went on to state that the Scottish Government "can't allocate gradings to rivers that don't reflect the data that we have on salmon because I think that would set quite a dangerous precedent".
13. The Cabinet Secretary was asked about the collection and modelling of data supporting the proposed river gradings. The Cabinet Secretary told the Committee that the proposed gradings are based on data provided through statutory catch and return forms and that the methodology used to analyse the data is peer reviewed. However, she added that the Scottish Government is "open to receiving information from the fisheries themselves" and that several river gradings were changed "on the back of further information received". Scottish Government officials stated that their methodology is based on international standards and is used by the ICES working group on north Atlantic salmon. Officials added that, while data collection and analysis methods were being updated in line with scientific developments, such updates would be introduced as a package after consultation in order to ensure stability for fisheries.
14. The Cabinet Secretary and officials told the Committee that investment is being made to improve data collection methods including through the installation of automatic fish counters and the use of artificial intelligence for modelling. Officials also stated that new methodology is intended to take account of the reduction in size of salmon and other changes.
15. When asked about the potential consequences of the regulations not coming into force, the Cabinet Secretary said that this could have a negative impact on the sustainability of wild salmon populations as well as having "a big economic impact" on the River Annan fishery.
16. [Fisheries Management Scotland wrote to the Committee](#) setting out its concerns for the conservation of salmon should the regulations not come into force by 24 February 2025.
17. In advance of the evidence session, Jackie Baillie MSP had [written to the](#)

Committee on 16 January 2025 to set out her reasons for annulling the instrument.

Following the evidence session, Jackie Baillie MSP moved motion [S6M-16130](#):

"That the Rural Affairs and Islands Committee recommends that the Conservation of Salmon (Miscellaneous Amendment) (Scotland) Regulations 2024 (SSI 2024/363) be annulled".

18. During the debate on her motion, Jackie Baillie MSP told the Committee that the Loch Lomond Angling Improvement Association, based in her constituency, had raised concerns about the quality of data used by the Marine Directorate to set the grading for the River Endrick. She stated the Association did not believe the Marine Directorate had an accurate understanding of the number of fisheries in that area "and the data is therefore incomplete". Jackie Baillie MSP invited the Scottish Government to withdraw the instrument and lay an amended version which does not include the proposed change to the Endrick grading. She suggested this amended instrument could be further amended to include grading for the Endrick when the Scottish Government has "evidence for that change".
19. The Cabinet Secretary said that she would welcome further evidence from the Loch Lomond Angling Improvement Association but added, however, that, "as far as I understand it we haven't received that further information from the Angling Association in spite of us asking for it". The Cabinet Secretary added that she had taken "seriously" the correspondence received from Jackie Baillie MSP on the issue and that Scottish Government officials had engaged with the Association.
20. The Cabinet Secretary stated that she did not think there was sufficient time to withdraw, amend and re-lay the instrument before the commencement of the Annan early season on 25 February.
21. The Cabinet Secretary was also unable to commit to the Scottish Government laying a further instrument at a later date to amend this instrument regarding the River Endrick in the event of further engagement with the Association.
22. Members expressed concern about the lack of clarity from the Scottish Government on its timescale for introducing the new data collection methodologies and addressing issues in relation to the data underpinning the gradings of the River Endrick and other fisheries.
23. Members noted that this instrument has two purposes and amends two sets of regulations. As it would not be possible to amend the instrument, the Committee considered that it would either need to agree the motion to annul and potentially prevent all provisions from coming into effect, risking important protections for wild salmon, or to disagree to the motion and legislate for the River Endrick gradings. The Committee felt under pressure to vote against the motion to annul the instrument despite feeling that some of its concerns had not been fully addressed by the Scottish Government.
24. When asked what steps the Scottish Government would take to avoid a similar situation arising in next year's river gradings, the Cabinet Secretary stated that the Scottish Government would undertake further engagement with stakeholders and continue to review and improve the methodology and collection of data for river gradings.
25. After debate, the motion was disagreed to by division: For 1, Against 7, Abstentions

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The Rural Affairs and Islands Committee recommends that the Conservation of Salmon (Miscellaneous Amendment) (Scotland) Regulations 2024 be approved.

