



Defra, Nobel House,
17 Smith Square,
London,
SW1P 3JR

05/03/2010

Dear Barbara Franceschinis,

Consultation on measures to Control the Keeping, Release and Removal of Live Fish

We are responding to this consultation on behalf of the Salmon and Trout Association and the Atlantic Salmon Trust

The S&TA and the AST generally welcome these proposals. The current Section 30 system does not work well., and the proposals for site and supply permits, together with the requirement that all fish movements be accompanied by a consignment note, should make enforcement more effective. We also welcome the principle of merging the current systems for native and non-native fish. We do, however, have a number of questions about the details of the proposals.

Site Permits

It seems clear that a site permit will be required for any water holding non-native fish (ie fish within the orders listed in table 3 which are not species listed in table 4) and for any water into or from which fish are to be introduced or removed. It is not clear, however, when site permits are required for water containing native fish listed in table 4:

- paragraph 15 states that 'it will be illegal to hold fish on any site with a statutory conservation designation' (this is the only time the word 'hold' appears, and we presume that it is equivalent to 'keep'). However, most if not all such waters will have naturally occurring stocks of native fish. Will all these waters require site permits? Is so, how will these be enforced? Is it the intention that it should become an offence to own a water within or adjacent to an SSSI etc in which fish naturally occur unless a site permit has been issued for the water in question?
- paragraph 25 states that the 'site permit will also apply to sites where native fish are found to be present inappropriately.' Does this mean that it will be an offence to own a water in which 'inappropriate' native fish are found unless a site permit is held? If this is the case, how will 'inappropriate' be defined and enforced?

We note that site permits will not normally specify fish numbers and that only high risk introductions



will require advance notification. While we accept the need to focus resources on high risk activities, it will still be necessary to monitor a sample of introductions that are judged to be low risk, and we are concerned that this will be difficult if the enforcement authority has no knowledge of when the majority of introductions will take place. A simple requirement to notify the regulator electronically prior to an introduction would impose minimal burdens on businesses and the regulator, and would facilitate monitoring of introductions.

Records.

There is no mention in the consultation document of any requirement to keep records. In our view it is essential that those holding site permits be required to hold accurate records of all movements of fish onto and from the site, with details of numbers and species involved and of the dates the movements took place.

These details will presumably be included in the consignment notes carried by the supplier, and there should also be a requirement that this information be retained by the supplier.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Paul Knight".

Paul Knight
Salmon and Trout Association Chief Executive, on behalf of the Salmon and Trout Association and Atlantic Salmon Trust