

## **Aquaculture and Fisheries (Scotland) Bill**

Submission to Environment and Rural Development Committee

Stage 1 – 24 October 2006

1. Advocates for Animals is grateful to the Environment and Rural Development Committee for the opportunity to give evidence on the above Bill. Our comments relate only to those aspects of the Bill that are connected with fish welfare.

### **Fish welfare**

2. Advocates believes that fish may be unusually vulnerable to disregard of their welfare because it was thought for so long that they did not feel pain. Fish and other non-mammals lack the part of the neural mechanism that generates the subjective experience of suffering (the neocortex), and it has recently been argued on that basis that fish could not suffer. However, it is now widely recognised by scientists that fish have the capacity for suffering, although it may be different in degree and kind from the human experience. A summary was published this year by Huntingford et al<sup>1</sup>, who stated that “painful stimuli are, at least, strongly aversive to fish. Consequently, injury or experience of other harmful conditions is a cause for concern in terms of welfare of individual fish. There is also growing evidence that fish can experience fear-like states and that they avoid situations in which they have experienced adverse conditions.”<sup>1</sup>

3. Animal welfare organisations have raised concerns about the welfare of farmed fish for several years now. These include an unnatural lifestyle that prevents the performance of natural behaviours; high stocking densities; and the stress of handling, crowding and grading procedures. Aquaculture is an intensive rearing system that imposes artificial challenges on species (principally salmon and trout) that are probably not equipped to cope well with them.

4. Parasite burden is a good example, exacerbated as it is by the confined conditions of the farm cage. Sealice pose an extremely serious welfare problem that can amount, as the Policy Memorandum (para 15) states, to: “literally eating the fish alive”. We note that there is provision within the Bill to extend the list of defined species by regulation, and we welcome this.

5. Advocates acknowledges nonetheless that the industry in Scotland has re-examined many of its practices and that there have been improvements, for example in the slaughter methods applied to both salmon and trout.

6. It is welcome that the Scottish Executive, in its recent animal welfare legislation, recognises the sentience of fish and the need to protect farmed fish; and it is valuable that the finfish industry has produced a comprehensive

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<sup>1</sup> F A Huntingford, C Adams, V A Braithwaite, S Kadri, T G Pottinger, P Sandøe and J F Turnbull. Current issues in fish welfare, *Journal of Fish Biology* (2006) **68**, 332 - 372

and robust Code of Good Practice. The question to be resolved in this context, therefore, is whether the legislation currently proposed does enough to underpin these provisions.

### **Part 1 – Fish farms and Shellfish farms**

7. We noted in our response to the Scottish Executive consultation that we felt the Bill was too limited in its scope, and that we would have preferred the legislation to provide for the welfare of the fish kept in fish farms.

8. The Bill gives powers for the approval and monitoring of codes of practice for fish farming on the subjects of parasite control and prevention of escapes. However, the industry Code of Good Practice - referred to as the benchmark for the Scottish Executive - also includes chapters on fish health and welfare. Advocates for Animals considers that these issues are sufficiently important to merit inclusion as subjects suitable for adoption and monitoring by the Scottish Executive.

9. We acknowledge that the industry Code of Good Practice for Scottish Finfish Aquaculture has been voluntarily endorsed by up to 95 per cent of the producing industry. However, voluntary endorsement is not binding, and there remains the question of the five per cent who have not signed up to the Code. This is acknowledged by the Executive in the Policy Memorandum (para 66), which says: “relying wholly on a voluntary approach leaves unanswered the question of how to tackle farms which do not sign up to or adhere to the codes of good practice. As yet not every fish farm has signed up to adhering to the code and there is no mechanism to enforce adherence.” The Memorandum also states that the only sanction is the potential to publish which companies have been judged through audit procedures to meet the standards set out; and that even the sanction of expulsion would not necessarily play any part in rectifying bad or poor practice.

10. Advocates believes that, as a matter of principle and in recognition of scientific knowledge about fish sentience, fish reared in fish farms should receive the same level of protection from the state as other intensively-reared animals. Welfare codes issued by the Scottish Executive for other species have evidential status in case of any prosecution for animal welfare breaches. It appears that that would not necessarily be the case for the industry Code of Good Practice.

11. Para 5 of the Policy Memorandum supports the “robust voluntary approach” taken by the fish farming industry and the shellfish farming industry on parasite control and the containment of fish, and would only envisage using the power for Ministers to approve a code if problems arose with the industries’ codes. Advocates for Animals sees this as a “light touch” and believes it would be reasonable to ask for this to be available for welfare. We would like to see flexibility provided within the Bill to allow Ministers, if necessary, also to approve codes of practice on other topics including welfare, and this could be achieved by the addition of a sub-paragraph to Section 7(2).

12. Regarding the potential approval of a Code of Practice on parasite control: fish that are eaten alive by sealice suffer considerably and treatment must be given. It is noted that a previous evidence session referred to the ability or otherwise of fish farm operators to apply sealice treatment once their discharge consent was used up, and whether treatment could be carried out in well boats (OR 4 Oct 2006, col 3538). Advocates wishes to stress that, when treatment for sealice infestation is necessary, it must be carried out. It would be quite unacceptable to leave fish to suffer from this parasite burden. Nonetheless, we accept that there is real concern over the toxicity of the compounds used to treat sealice. It is hoped that alternative approaches to control may be developed which would avoid the need for substantial chemical treatments.

13. We believe that the provisions in Section 8 for the monitoring and enforcement of any approved Code of Good Practice are appropriate.

14. Given that the voluntary code does not include all fish farms, we believe that the powers of inspectors, provided in Section 9, are necessary.

## **Part 2: *Gyrodactylus salaricus***

15. We note the new power under Section 16 for Ministers to bring legislation to close salmon passageways such as fish passes to move upstream past dams or lades. We are uncertain of the welfare consequences of such a closure, and would ask whether this has been assessed.

16. We note that Section 17 provides powers for Ministers to require the clearance of certain fish farms in waters infected, or suspected to be infected, by the parasite *Gyrodactylus salaricus*. This involves the withdrawal of all fish from the waters of the farm, and the destruction of all live fish that show signs of the parasite or the disease that it causes.

17. Our concern here is founded on the experience of other large-scale culls, such as that undertaken in the foot-and-mouth epidemic of 2001 (an analogy has been drawn between the diseases by expert veterinary witnesses appearing before the Committee). We are aware that animal welfare can be a casualty in such situations, and that there are practical difficulties in organising mass slaughter. The Code of Good Practice (para 5.10.2.1) refers to emergency culling, saying that this should be addressed in a farm's Veterinary Health Plan. However, the generic health plan shown in the Code does not specify a recommended technique for emergency slaughter, and it would be useful to know which methods would be approved in such circumstances.

## **Part 3: Fisheries**

### *Salmon and Freshwater Fisheries*

18. We welcome the prohibition in Sections 20 and 22 on the use of the gaff, tailer, pike gag and knotted and wire landing nets in salmon and freshwater fisheries. These devices are all unacceptable on welfare grounds. We note that the use of the gaff is prohibited in England and Wales under a national by-law. Some fishing clubs (both game and coarse) in Scotland already

prohibit or frown on the use of these items, although the use of a “quality tailer” has been seen recommended on a Scottish fishing website.

19. We agree with the amendment to the 2003 Salmon and Freshwater Fisheries (Consolidation) Act, provided by Section 21(2), to make foul hooking illegal, and with the provision in 21(2)(b) that prohibits the leaving of any fishing line with one or more baited lures in water unattended. It is clearly bad welfare to catch a fish but not land and despatch it as soon as possible.

20. Advocates supports the proposal by the Scottish SPCA in its written submission, that – as fishing offences are likely to occur in remote areas – it may be necessary to make provision to allow for the prosecution of offences to proceed on the evidence of a single witness, as in Section 19A of the Wildlife and Countryside Act.

21. Section 25(5) and (6) provides for the prohibition of certain baits and lures, to be specified by regulation. We understand that the intention is to prevent the transfer of live fish to bodies of water, as this can lead to an increased risk of disease and parasites to existing stocks, as well as competition between new and indigenous species in a given water. As would be expected, Advocates for Animals deplores the use of live vertebrates as bait on welfare grounds, and therefore welcomes this proposal. Nonetheless, we see no reason why this prohibition should not be specified on the face of the Bill: such use of vertebrates would seem to us to contravene the Animal Health and Welfare (Scotland) Act 2006, making the need for reform more urgent.