**Tay Liaison Committee**

**Annual Report** **2023**



**Presented at the Twenty First**

**Annual General Meeting**

 **on the 28th of March 2023 in**

**Tay House, Tay Terrace, Dunkeld**

**at 7.00pm**

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**List of Office Bearers & Committee**

**Office Bearers**

**Chairman** P. Greig Dunkeld & Birnam Angling Association

**Vice Chairman** S. Tapley Pike Anglers Alliance for Scotland

**Secretary** A. J. M. StewartCo-Opted Member

**Minute Secretary** R. Malkowski Stanley Angling Club

**Treasurer** A.J.M. Stewart Co-Opted Member

**Recorder** A.J.M. Stewart Co-Opted Member

**Committee** Vacant East Loch Tay Angling Club

 Vacant Taymouth Angling Club

 M. Seaton Aberfeldy Angling Club

 R. Malkowski Stanley Angling Club

 Vacant Stormont Angling Club

 E. Eadie Perth & District Angling Association

 G. McIntosh Strathmore Angling Improvement Association

 P. Greig Tay River Trust

 Vacant SANA

 Vacant The Grayling Society

 Vacant Glen Lyon Proprietors Group

 M. Smith Lower Riparian Owners Representative

 P. Linee Upper Riparian Owners Representative

**The River Tay Protection Order and the Administration and Management Information**

**of The Tay Liaison Committee, the Members of which are nominated at each AGM are**

**on the Web Site at: www.tayfishing.co.uk**

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**Chairman’s Report 2023**

From my own perspective, it seemed that the covid crisis and all the episodes of wild camping feel a long time ago and the year was easier in terms of management of the Protection Order (P.O). However, the last few months, during the quiet winter of the closed season for trout, some new issues have arisen and some older issues, that seemed had been put to bed, have reared their heads again!

So once again I reiterate the essential tenets of the P.O:

**The P.O is part of Scottish Law giving protection in Criminal Law against the action of fishing for non-migratory fish species without having a permit or written permission from the Owner of the Riparian Rights.**

**To obtain this protection, permits or written permission must be accessible to all. These permits must be easily obtained whether direct from the owner, via the internet or local venues like shops/hotels.**

**The cost should not be prohibitively expensive.**

**Access agreements have to be signed by the Riparian Owner and that agreement refreshed annually in the annual returns required by the committee. Details of price, parking, where to access permits, any Land Agents or Angling Clubs managing the fishing on behalf of the Owner and permission allowing the TLC to hold these details securely, are all part of the access agreement and annual returns.**

**All persons benefitting from the P.O pay modest agreed levies that are used to fund the management of the P.O. It remains the responsibility of the Riparian Owner to ensure these levies are paid correctly whether they handle the permits directly or via an Agent or Angling Club.**

**The TLC has the power to ask the Scottish Government, through Marine Scotland, to remove the P.O from areas that do not follow the agreements. The same procedure can also be applied directly, to suspend the whole P.O. if the Rural Affairs Minister is advised by Marine Scotland, that the P.O is not working or no longer fit for the purpose.**

This year there have been several changes in ownership which means fresh access agreements need to be obtained. This often requires a lot of explaining of the principles of the P.O because the concept is new to some of the new owners. The TLC are actively working to establish contacts and agreements on several patches of water.

Access has become difficult on two or three sections of fishing and the TLC are currently working to clarify and re-establish the access and make fishing permits available to the general public again.

In one or two areas, some but not all the dues have been paid and this is being followed up so that the levies remain fair for all parties. All of the beneficiaries of the P.O pay a levy that includes the Riparian Owner, the Visiting Angler and the Angling Club Members.

Warden training has and is being reviewed. An approach has been made by some of the Lower Tay beats to extend the Wardens along the entire catchment area. In the past, for a lot of the main rivers Tay and Earn, which has it’s own P.O., the management has been mainly maintained by the presence of ghillies and or the presence of the TDSFB Bailiffs. However, it is felt that further River Wardens are required and more cooperation with the Water Bailiffs is needed, working more closely to deter poaching for all species.

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**Chairman’s Report 2023**

This request has coincided with the TLC looking at the Warden Training that currently exists and updating it to modern standards to make it fit for the purpose. This is being done with input from the local police, wildlife officers, and seeking its approval from Marine Scotland.

A Warden Training Day should be possible in the next few months.

Finally, the TLC are keen to assist and encourage measures to safeguard and protect our failing ecosystem. It is becoming more and more obvious that our flora and fauna are failing under massive pressures of our current life styles and outdated practices. We need to start connecting with the scientists, the wildlife charities and the environmental groups amongst others, to urgently halt the decline in the ecosystems that are failing rapidly. The evidence of our failing rivers is affecting everything that we see above and below the water surface. It would be invaluable to harness the “citizen science” and the vast numbers of us who care not just about our fish but our entire spectrum of wildlife and flora. Maybe an open meeting to discuss the problems and bash some ideas together would help to start the pebble rolling so that we have something to leave our children and grandchildren. There are many small groups of concerned people who feel too small to make a difference, but if united they would number into the hundreds. That is what is required to halt this looming disaster that is overtaking us now. Let us know all of your ideas, all of your willing volunteers and let’s start being a real pain in the rear end to force the powers that be to act before all is lost.

Many thanks to all of the committee for all of their work, in particular Alex, who puts in far more time and effort than his expenses cover.

**Peter Greig**

**Chairman**

**Collective Responsibility**

The TLC oversees the River Tay Protection Order on behalf of the Scottish Government via Marine Scotland. The remit of The Tay Liaison Committee is to manage all aspects of the P.O. from dealing with initial agreements, monitoring access to fishing, methods allowed with Riparian Owners, and ratify any alterations. Once discussions in Committee are complete and a decision made it must be followed.

No rules likely to discourage anglers or impose any unreasonable conditions of access or methods will be allowed. Archived records indicate examples and the resolves agreed.

The members of committee meet or are in regular contact and discuss items, for the better management of the Freshwater Angling in the Tay P.O, take reports from members, and ensure funding is maintained.

In line with modern advances Electronic Meetings are being encouraged where possible.

**Permits issued from any Club, Agent or Riparian Owner, must carry the secure email, as indicated on the Web Site, by which the TLC can be contacted on any subject.**

All Public statements in the name of the TLC, are agreed collectively by the committee.

The above statement does not prevent any Committee Member from holding their own personal views on topics and may offer such for publication or have this displayed on a personal Web Site. It must be clearly stated that it is not an administration decision made and agreed in Committee but a personal opinion. Any such proposed action to be advised to the Chair for circulation in advance to committee members, all of whom have the right of a personal response.

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**Administration Report**

I considered it worthwhile in reminding everyone involved with the working of the River Tay Protection Order, of how the Order came into being and how quickly the Clubs and Riparian Owners responded to the notice of revocation. Today with modern methods and communications it should be much easier and quicker to update any arrangements, renew access with change of Ownership or simply respond to documents.

The River Tay Protection Order came into Law in August 1986 with an administration group nominated to take charge and develop a management strategy with funding. In the early stages of setting up a structure which would cater for the requirements necessary to have control of an area as large as that within the River Tay Order, difficulties were encountered. The then Scottish Office Minister took powers, in May 1998, to revoke the Protection Order and gave notice that this would only be rescinded on the presentation of a management plan to meet the requirements within the Act, coupled with a funding strategy, by October.

The meeting called to comply with the terms set out by the Minister, set to work with each Angling Club visiting all Riparian Beats in the area in which each operated. Renewing access to fish forms and agreements on methods, times of fishing, parking and charges. This task was achieved within four months and all 148 beats were covered with details of what was agreed to comply with the Act and have the benefit of Protection under Criminal Law for infringements.

The next stage was to employ a professional service to collate all the information along with the various clauses as to how the River Tay Order is to be managed and funded. The completed document was submitted in October and the River Tay Protection Order had the revocation removed in November 1998. All Clubs or Organisations involved received a copy of the submitted document for reference and guidance.

The management plan has been revised and updated through notice of motion at the AGM. The costs asked of all connected with the Order are very reasonable and cover the administration and management duties. Everyone must contribute so none have the benefits without paying the agreed dues.

**Documentation Revisions**

Alterations to the essential documents which are necessary to properly record all the information that is required to manage the River Tay Protection Order, have been approved in Committee and are now being enacted. There are changes to make it easier to complete forms and some to bring outside proposals into the framework where new Legislation is the Law.

Access agreements are to be signed by the Riparian Owner, as it is their responsibility to ensure an Agent, Factor, Employee or Angling Club abide by the following. Visitors have information via Web Sites and local Public Notices as to how to obtain a Fishing Permit and all the details which apply ; There is a system in place to carry out checks on Anglers to ensure they are abiding by the rules ; Dues requested by the Tay Liaison Committee are made annually and paid in full ; Anglers are aware there are a set number of rods allowed to fish beats or sections of a beat ; Protected Species inhabit many beats and Visitors must be aware that they are likely to see evidence of them and to give sufficient space to avoid disturbance.

The annual Return Forms make it clear what dues are requested and once the lists of Beats which a Club sells Permits for, is included, along with the GDPR from, it will be a simple “tick” if no changes. The choice of Payment method will also make settlement easy. The General Data Protection Regulations require to be adhered to by Law and failure to comply can be the subject of substantial costs. Clubs are asked to provide a list of Riparian Owners with whom there is an arrangement to manage selling permits. The required information is straight forward and is ratifying what will already be in place, but this is making it securely archived and used for administration only.

***A.J.M. Stewart* TLC Recorder**

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**Treasurer’s Report**

The information contained in the financial statement for year ending September 2021, shows no Income as this period was considered to be the last of restrictions carried over from the Covid Pandemic. The TLC decided not to request any funding contributions to allow and some way to aid the move back to what we now have to deal with as “The New Norm”

During the Period from October 2020 to September 2021, there were Permits sold as Warden Checks and Monitoring duties did encounter visiting anglers. However, the Committee decision was right and clubs which had arrangements to settle any beat or permit dues on behalf of Riparian Owners, were advised to return these to the Owners, in keeping with the spirit of the TLC decision.

Expenditure in some sections was increased due to necessity. An independent financial check on the previous three years accounts was carried out. It was considered to be essential as with bringing the TLC accounts up to being one year in arears. Computer costs have increased by around 14% with replacements and ink supplies accounting for most of this plus delivery charges went up with the increase in fuel costs. Programme costs have remained fairly stable while Domain and connected charges have increased by around 12%.

Considering the difficulties faced with rapidly increasing charges and purchase costs for supplies, the expenditure in the repetitive sections of the statement, compare favourably with previous years. The main influence is the rising utility and fuel charges. Suppliers, whether online or in store, are recovering the increases by passing these on to customers.

Where charges are incurred ‘online’ the increases come through electronically and paid. Despite checking on alternatives or similar, there are minimal differences indeed some agencies seem to be offering keener prices until the add on costs are taken into account.

The application for On Line Banking has been delayed due to an historical over sight which has had to be corrected before moving on to the new mandate and the application form. Payments from many Clubs and Riparian Owners have been made direct and once the access to the account is in place regular checks can be made to ensure all payment requests have been made in full.

In conclusion it is difficult to make comparisons to pervious years but allowing for unavoidable increases, the expenditure has been advised in committee and even with control, the resulting operational deficit was inevitable in the circumstances. It has been the first negative report I have presented during my term as TLC Treasurer, and I hope the last as well.

Finally, all requested dues must be paid by the date set to allow for the full financial statement to be included in the following year’s report.

***A.J.M. Stewart* TLC Treasurer**

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**Financial Statement October 2020 to September 2021**

|  |  |  |  |
| --- | --- | --- | --- |
| **INCOME** |  |  |  |
| **Club Members Levy** | **£ 0.00**  |  |  |
| **Club Riparian Owners Levy** | **£ 0.00**  |  |  |
| **Riparian Owners Beat Levy** | **£ 0.00**  |  |  |
| **Club Visitors Permit Levy** | **£ 0.00**  |  |  |
| **Riparian Owners Visitors Permit Levy** | **£ 0.00**  |  |  |
| **Donations** | **£ 0.00** |  |  |
| **TOTAL** | **£ 0.00**  | **x** | **£ 0.00** |
| **EXPENDITURE : OPERATIONAL** |  |  |  |
| **Honorarium & Gratuity** | **£ 810.00** |  |  |
| **Stationery** | **£ 2.90** |  |  |
| **Postage** | **£ 108.52** |  |  |
| **Computer Care** | **£ 244.35** |  |  |
| **Equipment** | **£ 40.22** |  |  |
| **Report Preparation** | **£ 245.00** |  |  |
| **TOTAL** | **£1,450.99** | **£1,450.99** |  |
| **MEETINGS & VISITS** |  |  |  |
| **Riparian Owners** | **£ 81.20** |  |  |
| **Access Directions** | **£ 7.20** |  |  |
| **Monitoring** | **£ 79.20** |  |  |
| **GDPR** | **£ 110.00** |  |  |
| **Covid** | **£ 41.60** |  |  |
| **TOTAL** | **£ 319.20** | **£ 319.20** |  |
| **GENERAL** |  |  |  |
| **Professional Financial Inspection** | **£ 360.00** |  |  |
| **Web Domain Name, Protection & Programmes** | **£ 272.40** |  |  |
| **Administration** | **£ 120.00** |  |  |
| **TOTAL** | **£ 752.40** | **£ 752.40** |  |
| **TOTAL** |  | **£2.522.59** | **£2,522.59** |
| **DEFICIT TOTAL** |  |  | **£2,522.59** |

**Financial Reconciliation and Balance for Year Ending**

**30th September 2021**

**Opening Balance as per the September 2020 Statement £18,782.43**

**Operating Deficit for Year Ending 30th September 2021 £ 2,522.59**

**Balance as at 30th September 2021 £16,259.84**

**Unpresented Cheque from this Financial Year £ 810.20**

**Closing Balance as at 30th. September 2021 £15,449.64**

**Closing Bank Balance as per September 2021 Statement. £15,449.64**

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**Observations & Inspection Comment**

The lack of any Income makes it impossible for any comparison with previous levels of funding.

On the Expenditure side everything has been supported by receipts and explanations where requested. The repetitive charges for online usage for the Web Site, Anti-Virus Protection and on gong charges for additional programmes is unavoidable to continue with administration work.

Mileage costs are less for reasons of restrictions and caution and stationery seems low but using the stock of paper and envelopes accounts for this and the postage level supports the explanation.

The Bank Statements have been checked alongside the record of expenditure and tally.

**Funding Projects**

Conservation is at the centre of everything, and this requires support in various forms both practical and financial. The object of allowing space between anglers to prevent over fishing, and to control numbers and size of fish, which may be retained, is one of the easy ways to conserve stocks.

On the practical side the increasing practice of using barbless hooks or semi barbless particularly on Coarse Fishing Tackle, now has a large following in the Trout and Grayling fishing fraternity. This makes it much easier to release fish with little damage to them.

In setting out the management of the Tay Protection Order it was suggested that part of the income derived from agreed dues, would be made available in grants from the TLC to assist in projects to improve and protect habitats. In recent years there has only been one project which received an applied for grant.

There have been various projects suggested from other sources on the River Tay System, and some have been progressed. Riparian Owners carry out annual safety work in cutting back shrubs and tree branches, repairing styles and steps to allow safe access to river and loch banks.

The TLC would seek to support other properly costed projects which assist in improving habitat within the Tay Protection Order.

The Smart Rivers Project involves taking a twice-yearly sample from the same preselected locations on the River Lochay, at the West end of Loch Tay, and the River Ericht upstream from Blairgowrie. The samples are scientifically analysed, and the results added to the data bank on the Project Web Site. The sampling is now in the third year since the sites were bench marked to give the basis for comparing future data.

The results give indications of many aspects of how rivers can support fish. The species and numerical content of the invertebrates give an indication of water quality and flow can be determined if sufficient for oxygenating the water.

The TLC have supported the survey and are encouraging Clubs and Riparian Owners to donate a portion of the revenue derived from permit sales to this very worth while project.

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**Recorders Observations**

The revised forms which are in use are designed to clarify what information is required for the TLC Data Bank and the reason for the detail and how all this sensitive information is securely stored. To begin with it is the Riparian Owners, having the Land adjacent to rivers and lochs or dams, who have the authority to determine how the Freshwater Angling is to be managed. Therefore, the initial form details on what their intentions are and sets out how access is to be given and controlled, must be signed by them.

There have been a number of changes in both Ownership of beats and the structure within Angling Clubs. It

is important that when changes come about that the TLC is made aware of what the changes are. On Land sale the new Owner should have been aware of the River Tay Protection Order and have the copy of the access agreement, which has the contact details for the TLC. The Clubs must make contact as the administration correspondence must be directed to the right person. This requires continued addressing.

Now that hopefully, the disruption that Covid brought, has been replaced with regularity, Riparian Owners and Angling Clubs will check the information required for administering the River Tay Protection Order is up to date, and the requested annual returns provide all the details especially the composition of the funding.

It is important to send in the forms by the stated date to allow for the information to be tabulated and provide information for future reports. The details for the year end September 2022 are behind schedule, partly due to various industrial actions and the BACS system not being widely used.

I trust that all difficulties will be completely resolved both in the provision of all information and the full compliance with the agreed TLC decisions for the 2022 to 2023 year.

***A.J.M. Stewart* TLC Recorder**

**GDPR Requirements**

The General Data Protection Regulation Act came into Law on 28th of May 2018, from which date all Personal and Business information became protected through limiting how such details could be used.

Clubs and similar Associations required to comply through requesting Members to agree that their personal details could be retained by the appointed secretary, for the purpose of receiving information either electronically or via the postal service. This agreement can be given in writing when renewing annual memberships and recorded in an acceptable secure manner.

The above example is to illustrate the importance of complying with the terms of the Act, which can be accessed on the Web to clarify any uncertainty.

The River Tay Protection Order purchased a computer with an external back up system. All the information, which is necessary for administration purposes, is contained in several folders for ease in dealing with cross referencing and ensuring financial records can be made available for inspection by an agreed third party.

In sending out the new annual return forms, the section dealing with GDPR is to confirm by signature that the information previously submitted remains correct. If there are changes then these are to be made available and sent in with the form.

There is also a form to list all Riparian Owners with whom any Club or Association has access for fishing via an annual lease, or an agreement to sell permits, with access, on behalf of the Riparian Owner. This information will be used to cross reference details already held by the Tay Liaison Committee.

Individual Riparian Owners will have a GDPR system in place to comply with the Act and included will be permission for the TLC to retain agreed information for administration purposes, part of which could give permission for any Fishing Permit details to be made public on the Web Site.

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**Brown Trout and Arctic Char Report**

The lack of information from Permit Sales has resulted in gathering information from visits and communicating with Club Members and Riparian Owners. This applies to the other Species reports as well.

The condition of the main River Tay continues to dominate virtually all contact for information. The fluctuation in water levels and weather conditions has made for challenging fishing. The Lower Beats have produced few good catches but some beats with few migratory fish showing, did manage some mid evening sport for a couple of hours. Up river from Dunkeld it was much the same story with few good sized trout reported. Glen Lyon did have a good share of the better sport in the pools and runs of better oxygenated water. It was also good not to hear of the worm infestation which plagued the Lyon prior to lock down.

Generally, the Lochs have been little fished by boat except for a few traditionalists going out hoping for the evening rise. The more remote Hill Lochs and Dams suffered from the drought as did the Glen Rivers in general. However, some anglers did have some good sport in the lower levels on the natural Hill Lochs and there was a report of two trout around the three-pound mark both returned.

The lack of boat fishing has resulted in little to report on the Arctic Char, other than a few were caught by trolling anglers. Let’s hope this species are continuing to thrive as seemed to be the case in 2019.

**Grayling Report**

The Stanley beats are most productive still having the upper hand in attracting the Winter anglers seeking out “The Lady of the Stream”. The beats below the junction of the River Tummel have a few regular anglers as does the Aberfeldy area. Previous records indicated a need for anglers to make a return giving numbers caught to help with finding out the overall population in the system.

 **Coarse fish Report**

West Loch Tay continues to be the most popular choice for those seeking the wiley Pike. The late Autumn and Winter anglers have enjoyed mixed returns, as with all branches of the sport there are good and difficult days and a few to boast about.

In speaking with some of the regulars most have their special pitches and prefer not to venture too far from them. Others do enjoy trying a new spot and a change sometimes produces good sport. In mid December I met up with four who had come up for a break on the recommendation of a friend who fishes the Loch annually. They had permits and were well kitted out with all the shelter needed and a gas stove as well as the right tackle. Sport was slow but in four days they caught seven Pike the best 21lbs.

Moves to open safe sections of East Loch Tay for Pike Anglers are in the pipeline and the new set up in the East Loch Tay Club intend to visit Riparian Owners to have discussions, and help has been offered to assist.

There have been a number of requests for Winter Pike Fishing in that area so there is interest from anglers.

There have been very few anglers targeting Perch and Roach, particularly at the junction of the Rivers Dochart and Lochay or anywhere else in the system. In past years Roach were fished for by visitors from over the border where there is a following for this part of Coarse Fishing.

Coarse fish particularly Pike are widespread through the whole of the Tay Order from Loch Tay to Perth, but few anglers seek out a likely beat. Perhaps some encouragement is required?

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**Riparian Owners, Angling Clubs & Agents**

It is necessary to have an understanding between Riparian Owners, Agents and Angling Clubs, also for each to comply with the management decisions made and enacted by the Tay Liaison Committee.

Those who own Riparian Land had the ultimate say in applying for the Protection Order on The River Tay, along with the Headwaters and the tributary Rivers Lyon, Braan and Almond. The decision to make application was collective and unanimous, supported by all Angling Clubs and associated interested groups.

All Riparian Owners signed the original agreed access document, including conditions and methods of fishing for each beat, and with updates these forms have been accepted as binding to conform to the 1976 Act and subsequent revisions. Only the Riparian Owner can apply to alter any part of the conditions of access applying to their Land, which would be discussed by the Tay Liaison Committee. The Riparian Owner can assign an Employee, appointed Agent or Factor or an Angling Club to manage the advertising and availability of Permits to Club Members and Visitors abiding by the conditions in the Owner’s access agreement. However only the Riparian Owner can apply to make changes and it is their responsibility to ensure all dues requested by the TLC are paid in full.

Appointed Agents or Factors can be empowered by the Riparian Owner to deal with aspects of the fishing access which do not negatively alter the terms making conditions which could be deemed as prohibitive to fishing. Exceptions may be short term closure due to other work or seasonal activity. Dealing with all matters raised by the TLC including settling all annual dues is another responsibility usually assigned.

Angling Clubs depend on arrangements with Riparian Owners to access fishing for members as most do not own sufficient riparian land which satisfies demand. These are of benefit to Riparian Owners since the local club take on looking after the beats and providing advertising for permits. In return the clubs take on the responsibility of ensuring they patrol the beats under their care and adhere to the management of the TLC.

Working together under the management of the River Tay Protection Order and bringing any problems to the attention of the TLC, any difficulties can be discussed, views taken, and decisions made for the good of the whole system.

**TLC Grants**

Grants, for which funds can be made available from the TLC, are for projects such as habitat improvements or work which can be deemed to enhance or prevent deterioration of any nature to beats or provide improvements to spawning redds and important nursery streams. The list is incomplete so any project will be considered. The projects require to be detailed and costed so that the information is available to the committee in order that a decision can be made which satisfies all concerned.

Riparian Owners, Clubs and Associations are all eligible to apply for a grant should they have a project which satisfies the criteria. Clubs have been the only source of applications and the Land Owners have not applied for assistance although in making visits to parts of the Tay Order, work has been carried out.

It is necessary, within the River Tay Conservation status, to contact SEPA on any project which involves work to river or loch banks or solemn. Local planning application may also be required.

It necessary to support any application for funding with a description of where the project is to be executed and the reason. If agreed in committee a token payment will be authorised and the balance once it is completed and inspected as complying with the application. The Aberfeldy Angling Club were the last to apply for assistance in clearing a fallen tree from the River Tay. The reason was to prevent erosion and silting on a stretch of spawning gravel and heavy equipment was hired to complete the work safely.

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**Freshwater Fishery Wardens**

It is the duty of all Clubs and Riparian owners to ensure there is total compliance with the Order by making checks on visiting anglers. It has been suggested that where a Season Ticket is available then regular checks are an annoyance to the angler. If the visitor is a long-term season ticket holder, then they will be known to the Beat Owner and any staff. A new Applicant may require supplying references and when approved will need to get to know the beat and the persons who are about on a daily basis.

It is a requirement under the access arrangements for anglers to be aware of the conservation aspect of the terms by which fishing is permitted. One of the main points is not to over fish and each beat must state how many rods are catered for daily. It is necessary for season ticket holders to make the Riparian Owner, or Agent or Angling Club, when they intend to fish. This allows for proper management on any beat or loch fishing by boat and avoid disappointment especially if some distance has been travelled.

Riparian Owners must state on any information, how many Rods are allowed. If a third party such as an angling club deals with publicity and permit sales then permits will have specific details of where the visitor can fish.

There is often some confusion on the duties of the Wardens and why it is essential that they conform to the terms of the Order and the training which is offered by the TLC. As the title infers Freshwater Fishery Wardens deal with anglers who wish to fish for all Freshwater Species, Brown Trout, Arctic Char, Grayling, Pike, Perch and Roach.

The training through which Warrant Cards are applied for is important,

The Warrant Cards issued clearly state the issuing terms, and the cards must only be used in connection with the fishing under the Tay Order.

See www.scotland.gov.uk/Publications/2004/11/20316/47364.

Club Committee Members can only enquire if an angler has a permit but don’t have the legal authority to ask to inspect any permit or tackle.

The River Tay Protection Order has set up a procedure, agreed with Marine Scotland, and reviewed regularly, as to how a suitable applicant applies for a position as a Freshwater Fishery Warden must apply.

In the first instance the Estate, Riparian Beat or Angling Club must select suitable persons who are able to carry out the duties at varying times depending on the season and have transport to call on either by self-ownership or an associate. Remember Wardens should not act in approaching anglers alone but have a witness in attendance. The TLC will then check the information. If the application of for renewing an existing Card then the present card must be included with the form.

**Applications for Wardens Warrant Cards. (INSTRUMENT OF APPOINTMENT)**

1. All names and addresses are to be submitted to the TLC, and the secretary will inform the applicant when to attend for training.

2. The TLC Secretary will issue the following: a letter confirming the applicant has attended a training course; a training certificate and the form for sending to the Scottish Criminal Records Office.

3. The completed form, with an original Public Utility Bill, i.e., electricity, gas, telephone etc., and the fee currently £13.60 is sent by the applicant to SCRO.

4. On receiving the return, the applicant will send this with all documents and two passport size photos to;-

**Salmon and Recreational Fisheries, 1B-North Victoria Quay,**

**Edinburgh, EH6 6QQ**

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5. The Wardens Card will be sent direct to the applicant, who will then inform the TLC Recorder of the receipt of the card, so that he can maintain an up to date list of Operational Wardens.

It is recommended that there is always a witness accompanying a duty Warden to observe what happens and to confirm the action taken. Notebooks, a camera and mobile phone areessential items to have on duty.

The details required to be recorded are given in the training documentation and ensure the Warden has all the information should any incident be taken to a Court of Law.

**It is important to note that applications for the renewal of Existing Warden Cards, Instrument of Appointment, must be made to the TLC Recorder a minimum of Six Weeks prior to the expiry date on the present card.**

This is to allow for the application to be processed by Marine Scotland and the new one posted to arrive with the applicant in good time.

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**Complaint Investigations**

There were several emails and phone calls together with face-to-face complaints on quite a wide range of topics. This in some ways indicates that a few quite basic matters have failed to be addressed by some levels in managing the River Tay Order. The following points have been raised and in the majority of cases, taken on board to be actioned locally for the 2023 season.

The lack of easy access to information when making plans for an angling break is one of the rather annoying points. Not all Clubs have an easy online information list which can be checked on prior to setting out to travel or when the visitors arrive at their destination. The use of social media has topped the list of complaints since name for registration is asked for before any information can be obtained.

Some Clubs do not have a web site, however it is a very easy task to provide a list of beats which an Angling Club issues permits to fish on behalf of the Riparian Owners. This together with costs and the number of rods allowed per day on each beat, can be put up on the TLC Web Site. Riparian Owners have provided such information where the permits are available from the Owner’s office and online booking is available. One of the Clubs now has the required information listed and two others are in the process of revising how permits are to be made available and hope for a basic list to be available for March. Another difficulty is navigating through a Web Site which provides a wide range of other marketing facilities. If an ‘Angling’ tab was provided to take the enquirer direct to the available fishing this would be appreciated.

The non availability of angling on some beats is causing a few complaints. In dealing with this it has been explained that not all beats allow access all year for Coarse Fishing, which has a self- imposed month of no fishing during April for the spawning period. Two anglers agreed with this but wondered if the spawning was perhaps earlier and lasted longer. I passed on this since information as is rather difficult to obtain. Winter Coarse fishing is very popular, and this is being investigated and with perseverance this just could be resolved for the Autumn.

Enquiries for visitors permits has thrown up some problems, even for a day ticket, with weekly and monthly not being issued. Membership is offered which would allow access to a number of beats on some form of rota basis. This is what has been reported via email and the matter is being referred for clarification and resolve. Coupled with the availability of permits the number of rods available on each beat is stipulated on the access agreement forms, and where there is no rod number this must be reviewed locally.

There is a lack of agreed parking on some of the upland beats and this must be referred for local resolve. It is a requirement in providing access to fish to ensure there is clear access to private property as well as to farmland and forestry and accepted routes for walkers and mountain bikers or similar.

Parking is made available for Hill Walkers either through The National Trust or similar group and on a few Estates. Only occasionally is fishing available close to these but when it is the permits must indicate this and the permit could be displayed in the vehicle. There is a lot of common sense in ensuring parking with care prevents causing difficulties with those who live and work in the more picturesque upper reaches of the River Tay Protection Order.

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**Monitoring**

Carrying out duties in checking that access is being allowed, with no difficulty, permits are available and

can be checked at source and that anglers are abiding by the rules, can throw up side issues which although not directly about fishing do have a connection.

The main problem arose on the South Loch Tay Road with indiscriminate parking at entrances and passing places, and especially on verges. This caused severe difficulties of access by residents and in particular those carrying on a business which involved HGV transport. The area West of the Manse Burn approximately 8 miles was the most congested section being close to the loch shore. It is worth mentioning that others such as campers and hill walkers also were guilty of illegal parking in passing places. It must be said that a real concern from residents was the lack of clear safe access for emergency vehicles.

This situation was raised locally and with the Council responsible, as a result of taking advice, a possible way forward was required to resolve this issue. After checks made by the Roads Department and Transport divisions on the damage to verges and the use of passing places, a two fold plan was put in place which culminated with the eight mile section becoming a “Clearway”. This prohibits parking in Passing Places and verges and carries penalties.

The outcome of the change of status of this section of road, on the issuing of permits to fish, is there should be new discussions with all Riparian Owners who have signed up to access fishing, to allow safe parking within the legislation. Negotiations are under way with three Owners and are very positive. The remainder must be approached via those responsible for selling permits, to resolve the parking issue at an early date as with drawing a length of approximately five miles of loch shore access is not an option.

The other problem is camping without the permission of the Riparian Owner. The discussions had with those who quote “Freedom to Roam” clauses and other quotes concerning “Wild Camping” are worthy of debate without reaching an amicable conclusion. There were a few tents seen in the upper reaches of the Western part of the system, and the occupants had notes in vehicles saying who they were and where they were climbing. On checking locally most were known and were regular climbers.

Anglers were checked and had the wrong permits of some beats and when it was pointed out their mistake most just stopped fishing, at least for a time if not completely. They were not pleased even when it was pointed out that the map had a coloured line which was to indicate this section was not on the issued permit. In another instance genuine mistakes were made by three anglers who failed to read the map correctly and were fishing the wrong bank.

The vast amount of waste is still a problem despite clear notices to take litter home. Fires were still lit and in most cases were extinguished when asked to do so.

The Police were contacted on some occasions and generally their presence did result in getting the persons being spoken to understand they were infringing rules. In taking a note of vehicle registrations, and informing those present this was being done, it did help get a form of understanding.

There is a positive move to detect access and obtain vehicle details by way of well publicised CCTV use and notices are clearly displayed on four Riparian Owners land. There are also wild life cameras on a further three locations and again notices are displayed and the cameras regularly checked.

There is some surprising footage recorded and one did lead to charges being brought against those concerned. It was later confirmed that an undisclosed compensation settlement was made.

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**Abbreviations Used**

The lettering abbreviations used in the content of reports are worth reviewing and setting out for the benefit of everyone and particularly where new Office Bearers and local Committee Members are involved. This will hopefully help understand where information and contributions are gathered from.

**D** is Donation; **OC** is Owners Contribution, **PO** Protection Order. **GDPR** General Data Protection Regulations. **TLC** Tay Liaison Committee. **MS** Marine Scotland.

**VPL** is Visitor Permit Levy. **ML** is Members Levy. **ROC** Riparian Owners Contribution from Clubs.

**SCT** Strathfillan Community Development Trust based in Crianlarich and Tyndrum.

**KBAC** Killin Breadalbane Angling Club, Based in Killin West Loch Tay

**ELTAC**, East Loch Tay Angling Club. **TAC** Taymouth Angling Club. Both based in Kenmore and administered as two separate Clubs.

**AAC**, Aberfeldy Angling Club. Based in Aberfeldy with interests in the area including a Hill Loch.

**DBAA**, Dunkeld and Birnam Angling Association. Based in Dunkeld with interests on the River and a Loch

**SDAC** Stanley and District Angling Club. Local interest on the River.

**PDAA**, Perth & District Angling Association. Perth based with interest on the River.

**STA** Stormont AC. Based in Scone at Mansefield Estate. Interest on Estate Beats and The River Almond

The levy to be paid by each Club or Association is £1 per Member, that is the total number of registered members and associates and is the same as the current Visitors permit levy which is £1.

This proves all who fish the beats under the River Tay Protection Order contribute towards its administration.

Riparian Owners who have access agreements with Clubs, in which a proportion of the sales is returned to the Landowner, with an agreed per centage retained by the Club and forwarded on the Owner’s behalf in the annual return form as The Riparian Owner’s contribution. Clubs also are responsible for the Beat levy for these Owners.

If no agreement is in place with a Club, then a separate request for contributions is made. In this way all contributions from Visitors, Members and Riparian Owners are shown.

The AGM will decide on any alterations to the present funding system, and all decisions made are binding on clubs and owners and can only be altered by prior notice at the AGM.

The Clubs listed are all signatories to the original application for a River Tay Protection Order, which was granted in 1986. The same Clubs and Organisations who renegotiated the reinstatement of the Tay Order in 1998, again signed the application and therefore take full collective responsibility for the administration of The River Tay Order.

The Village of Killin along with Lawers, Fearnan, Ardeonaig, Ardtalnaig and, Kenmore on the shores of Loch Tay, along with Grantully, are deemed to be exclusion zones, within the speed limit signs, for reasons of safety and privacy. Other structures with private frontages and any dangerous areas, such as Hydro Dams, are also excluded to fishing.

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**Concluding Comments**

The River Tay Protection Order administration has increased year on year with the management of all aspects becoming more of a challenge. There are over 140 beats, some Riparian Owners having multi ownership, and Nine Angling Clubs. These statistics will seem astonishing to some but to many not out of proportion considering the size of the entire catchment encompassed by the Tay Order.

Despite the difficulties over the last two to three years, work continued although at a different level with the various restrictions which were imposed. The opportunity was taken to bring three years of financial transactions into line showing all the detail of income and expenditure. There were new forms agreed to help bring all the required information up to date, and further documents were requested from new Riparian Owners, some of whom exchanged emails to clarify exactly what the information is for and why this is requested under GDPR for secure storage. There are still outstanding forms which have not been returned from existing Riparian Owners. There are angling clubs which have not completed the required information and three have been visited and progress is being made with new Office Bearers in place. The Riparian Owners and Clubs which have not replied to requests are delaying the revision work on the Data Bank.

Due to the lack of commitment from sources in refusing to comply in full with the financial decisions of the Tay Liaison Committee, there were letters and documents posted to each of a group the localised Riparian Owners. This has caused considerable time and costs but eventually a part settlement was reached to pay the back dues to the TLC from one Club. At the same time settlement was reached with a Riparian Owner, for compensation to be paid, for anglers fishing without there being any signed agreement allowing them to do so. There are still ongoing difficulties, in parts of the system and a conclusion must be reached for the benefit of the whole of the River Tay Order.

It has been illustrated on several occasions, that it is those Owners who own Riparian Land, who have the ultimate say in making an arrangement to comply with either applying to be granted a Protection Order, or to abide by the management rules of an existing Protection Order and remain within the legal advantage of having the cover of Criminal Law. The alternative is having to resort to the very expensive Civil Action in the event of infringements to the terms of the 1976 Act and subsequent amendments. There are procedures in place for Riparian Owners to resolve difficulties by informing the TLC of these and enter detailed discussion. Those who have arrangements with Land Owners to manage the fishing through permits, cannot suddenly cease fulfilling their side of the agreement and not look after the beats. Notification must be given to the Owners and the TLC in writing thus opening discussions to find a solution. The same procedure is in place for a Riparian Owner to decide to change a present agreement to another system within the Act.

The Warden Training programme was put on hold and Marine Scotland informed as well as Police Wild Life Co-ordinators. The manner in which training was given is being brought up to date and the TLC are to consider some form of procedure which will ensure those being trained or receiving refresher training have understood more than just the basic requirements but have good an understanding of what is expected of them when on duty. All applications for Warden Cards or Renewal of existing cards is through the TLC. I intend to follow up any outstanding documentation and arrange further meetings with clubs and groups who have Freshwater angling interests. It is necessary to communicate the results of all meetings among the Office Bearers to ensure all receive feedback from every meeting. I believed holding more electronic committee meetings will be something to consider to ease travelling during inclement weather.

I end this report with a plea for all to work together for the good of The River Tay Protection Order, abide by the decisions of the TLC and all contribute on time, the dues agreed at each AGM. I extend my thanks to all the Committee for the support given during what has been a difficult period.

***A.J.M. Stewart* TLC Recorder**

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