



Maritime &
Coastguard
Agency

Bay 3/13
Spring Place
105 Commercial Road
Southampton
SO15 1EG
UK

Mr Don Staniford
Director
Scottish Salmon Watch
By email: salmonfarmingkills@gmail.com

Tel: 020 3817 2385

E-mail: brian.johnson@mcga.gov.uk

Our ref: CP2020-17

18 June 2020

Dear Mr Staniford,

COMPLAINT RE UNSAFE AND RECKLESS BEHAVIOUR.

In response to your recent complaint, I can confirm that a further review has been undertaken of your allegation against MOWI fish farms and their apparent breach of the International regulations for preventing collisions at sea on 01 September 2019.

Your initial complaint was reviewed by the Maritime Investigation Team in November 2019 and was allocated to Lead Investigator Alyson McGinnigle. The officer contacted you by both telephone and email to obtain further information to substantiate your complaint. In January 2020, the officer emailed you a letter which contained specific questions about the alleged offence and requested that you provide answers to those questions. The purpose of this was to formulate and obtain a formal witness statement from you. You responded to those questions by providing an email that contained hyperlinks to your website advising the officer that was your evidence. Under the Code of Practice for Prosecutors any allegation of an offence committed by another must be recorded on a formal statement and the declaration as governed by Sec. 9 Magistrates Court Act 1980 signed by the person making that allegation.

As your response to those questions did not comply with this requirement the officer was unable to take a formal statement from you. After reviewing the information, you had provided through the hyperlinks, it was concluded you had not provided any evidence of an offence being committed under the International regulations for preventing collisions at sea.

Furthermore, for consideration of any investigation and subsequent prosecution evidence obtained must be in an evidential format that is admissible for a prosecuting authority.



HM Coastguard



INVESTORS
IN PEOPLE | Silver



Maritime &
Coastguard
Agency

After further careful consideration of all the information provided by you, the MCA are satisfied there is insufficient evidence to support any breach of the Merchant Shipping Act in respect to the Collision Regulations.

I can further advise that the behaviours and actions you have described about the employees of MOWI is not a Maritime Safety issue and any concerns you have regarding this should be directed in the first instance to Marine Scotland, The Health & Safety Executive and/or Police Scotland.

Please be advised that no further action will be taken by the MCA regarding the incident on 01 September 2019.

If you feel that your complaint has not been handled properly, you can ask us to refer the matter to an Independent Complaints Assessor appointed by the Department for Transport. However, please do read their remit carefully as there are subjects they cannot accept. This can be found at the below address:

<https://www.gov.uk/government/collections/independent-complaints-assessors-for-the-department-for-transport>

Yours sincerely



Brian Johnson
Chief Executive



HM Coastguard



INVESTORS
IN PEOPLE | Silver



Maritime &
Coastguard
Agency