

## Christie N (Naomi)

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**From:** McAllan M (Màiri) (Special Adviser)  
**Sent:** 02 February 2021 17:20  
**To:** [Redacted]  
**Subject:** RE: Spads feedback required: Media enquiry: seal protection laws

Thanks [Redacted]

Lines are good but I don't think we need the background about MMPA.

Mairi

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**From:** [Redacted] <[Redacted]@gov.scot>  
**Sent:** 02 February 2021 17:01  
**To:** McAllan M (Màiri) (Special Adviser) <Mairi.Mcallan@gov.scot>  
**Subject:** RE: Spads feedback required: Media enquiry: seal protection laws

Hi Mairi

Sorry to chase, just wondering if you've had time to consider my email below?

Many thanks

[Redacted]

Scottish Government, St Andrew's House  
**e:** [Redacted] <[Redacted]@gov.scot>  
**m:** [Redacted]

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**From:** [Redacted]  
**Sent:** 02 February 2021 14:57  
**To:** McAllan M (Màiri) (Special Adviser) <Mairi.Mcallan@gov.scot>  
**Cc:** [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Communications Rural

Economy & Environment <[CommunicationsRuralEconomy&Environment@gov.scot](mailto:CommunicationsRuralEconomy&Environment@gov.scot)>; [Redacted] @gov.scot>; [Redacted]  
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Communications <[MS.Communications@gov.scot](mailto:MS.Communications@gov.scot)>; [Redacted] @gov.scot>; Carmichael DB (Donald) <[Donald.Carmichael@gov.scot](mailto:Donald.Carmichael@gov.scot)>; Palmer MR  
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**Subject:** Spads feedback required: Media enquiry: seal protection laws

[Redacted]  
Thanks

Bringing in spads for feedback.

[Redacted] grateful for your thoughts on the following response to an enquiry from the Ferret regarding protection for seals – full enquiry in email chain below.

### **A Scottish Government spokesperson said:**

“The Animals and Wildlife (Penalties, Protection and Powers) (Scotland) Act 2020 has amended the Marine (Scotland) Act 2010 to remove two specific grounds for which Scottish Ministers can grant licences to kill or take seals. These are for the purpose of protecting the health and welfare of farmed fish and for preventing serious damage to fisheries and fish farms.

“The Act also increased the penalties associated with the offence of killing, injuring or taking a live seal (intentionally or recklessly) in line with the most serious wildlife offences. Those found guilty of breaking the new laws could face a maximum penalty of five years imprisonment, an unlimited fine, or both.

“We would urge anyone with any information about wildlife crime to contact the police.”

### **Background**

The changes came into effect on 1 February 2021 at the end of the current licensing round. [The Scottish Government will be publishing guidance associated with the remaining licensable purposes in Section 110 of the Marine \(Scotland\) Act 2010 shortly.](#)

The US Marine Mammal Protection Act which comes into force on 1 January 2023, requires nations exporting fish products to the USA to have measures in place for the protection of marine mammals, equivalent to those in the USA. This means that any fishery whose operations result in the intentional or incidental killing or serious injury of marine mammals occurring in a manner not permitted under US rules, will be prevented from exporting to the US. Exporting nations have to demonstrate compliance with the MMPA by 30 November 2021.



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[Redacted] [@gov.scot](mailto:gov.scot)>; Palmer MR (Mike) <[Mike.Palmer@gov.scot](mailto:Mike.Palmer@gov.scot)>; [Redacted] [@gov.scot](mailto:gov.scot)>; [Redacted] [@gov.scot](mailto:gov.scot)>; [Redacted]  
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Economy & Environment <[CommunicationsRuralEconomy&Environment@gov.scot](mailto:CommunicationsRuralEconomy&Environment@gov.scot)>  
**Subject:** RE: Policy colleagues feedback required: Media enquiry: seal protection laws

Adding aquaculture policy and compliance colleagues.

Best Wishes

Marine Scotland – Marine Planning and Policy  
Mob: [Redacted]

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**From:** [Redacted] [@gov.scot](mailto:gov.scot)>  
**Sent:** 02 February 2021 13:11  
**To:** [Redacted] [@gov.scot](mailto:gov.scot)>; [Redacted] [@gov.scot](mailto:gov.scot)>; [Redacted] [@gov.scot](mailto:gov.scot)>; MS Marine Licensing  
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**Cc:** [Redacted] [@gov.scot](mailto:gov.scot)>; [Redacted] [@gov.scot](mailto:gov.scot)>; [Redacted] [@gov.scot](mailto:gov.scot)>; [Redacted] [@gov.scot](mailto:gov.scot)>; Communications Rural  
Economy & Environment <[CommunicationsRuralEconomy&Environment@gov.scot](mailto:CommunicationsRuralEconomy&Environment@gov.scot)>  
**Subject:** Policy colleagues feedback required: Media enquiry: seal protection laws

Policy colleagues

We have had an enquiry from the Ferret about enforcement of the new laws to protect seals.

Grateful for feedback on the lines below.

**A Scottish Government spokesperson said:**

“The Animals and Wildlife (Penalties, Protection and Powers) (Scotland) Act 2020 has amended the Marine (Scotland) Act 2010 to remove two specific grounds for which Scottish Ministers can grant licences to kill or take seals. These are for the purpose of protecting the health and welfare of farmed fish and for preventing serious damage to fisheries and fish farms.

“The Act also increased the penalties associated with the offence of killing, injuring or taking a live seal (intentionally or recklessly) in line with the most serious wildlife offences. Those found guilty of breaking the new laws could face a maximum penalty of five years imprisonment, an unlimited fine, or both. We would urge anyone with any information about wildlife crime to contact the police.”

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## FULL ENQUIRY

I'm writing a report for The Ferret about a charity called Animal Concern which is offering a £5,000 reward for "information leading to the first successful prosecution under new legal protection for seals".

John Robins, Secretary of Animal Concern, said: “Most salmon farms are in remote areas and the shooting of seals was never monitored while it was legal and I am sure it will still not be policed now it is illegal. The only successful prosecution of a salmon farmer for killing seals was as a result of one of our campaigns. The farmer involved was fined £200 on 1st August 1989 for using a shotgun instead of a rifle to kill seals at his farm on Skye. That prosecution was only possible because farm workers turned whistle blowers and gave me the evidence needed to gain a conviction.”

**“Scottish Government Ministers and officials have bent over backwards to protect fish farmers and keep their persecution of wildlife and environmental damage out of the public eye.** Last year there were at least two incidents where Police Scotland officers abused their power to stop campaigners legally gaining evidence of the suffering caused to salmon in these floating factory farms.”

“Fish farms are in remote areas and with Covid restrictions there are even fewer people likely to see what is happening around the salmon cages. Farm workers and local people may be afraid to speak out for fear of reprisals. They can pass information to us in strict confidence and we will take whatever action we can to secure a prosecution. If we obtain a successful conviction we will gladly pay the £5000 reward to the person who supplied the information.”

“Shooting is no longer the cheap option for dealing with seals. Salmon farmers will now have to use some of their profits to create new jobs installing and

maintaining the predator exclusion nets we have been asking them to use for the last thirty years. These are expensive but not as costly as a very heavy fine and/or five years in jail.”

I wondered if anyone would comment in response to Mr Robins? We'd be grateful for a comment by 5pm today to meet the deadline.

[Redacted]

Scottish Government, St Andrew's House

**e:** [Redacted] [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)

**m:** [Redacted]