

INITIAL WRIT

SHERIFFDOM OF NORTH STRATHCLYDE AT DUNOON

In causa

Bakkafrost Scotland Limited, a company incorporated under the Companies Acts (Company Number SC107275), having its registered office 28 Drumsheugh Gardens, Edinburgh, Scotland, EH3 7RN

PURSUER

against

Don Staniford, residing at 78 Glenwood Drive, Irby, Wirral, CH61 4UJ

DEFENDER

The Pursuer craves the court:

1. To grant an extended interdict against the Defender by himself or by his agents, employees, or servants, or by anyone acting on his behalf or under his instructions, procurement or encouragement from:
 - 1.1. boarding, entering onto, physically occupying, attaching himself to, attaching vessels to, or approaching within 15 metres of all structures, docks, walkways, buildings, yards (save so far as any such approach to or passage by any land based property of the Pursuer may involve passage on any public road), or approach within 15 metres of any floats, vessels, boats or pens of aquaculture sites of the Pursuer, a list of which are produced by the Pursuer at no. 5/1 of process (the "**Pursuer's Aquaculture Sites**");
 - 1.2. flying unmanned aircraft (also known as drones) over the Pursuer's leased areas of the seabed, or within 150 metres horizontally of the Pursuer's Aquaculture Sites or within 50m horizontally of the Pursuer's staff;
 - 1.3. operating unmanned underwater vehicles (also known as drones) over the Pursuer's leased areas of the seabed, or within 15 metres of the Pursuer's Aquaculture Sites;
2. To grant such an extended interdict *ad interim*; and
3. To find the Defender liable to the Pursuer in the expenses of the action.

CONDESCENDENCE

1. The Pursuer is Bakkafrost Scotland Limited, a company incorporated under the Companies Acts (Company Number SC107275), having its registered office 28 Drumsheugh Gardens, Edinburgh, Scotland, EH3 7RN. The Pursuer was formerly known as The Scottish Salmon Company Limited. It adopted its current name conform to Certificate of Incorporation of Change of Name dated 6 June

2022. The Defender is Don Staniford, residing at 78 Glenwood Drive, Irby, Wirral, CH61 4UJ. The Pursuer seeks interdict against the Defender in respect of the Defender's wrongful actings at the Pursuer's Aquaculture Sites. The Pursuer's Aquaculture Sites include a marine farm at Loch Fyne, a sea loch on the Sound of Bute, within the jurisdiction of this court. The Defender's wrongful actings, which are hereinafter condescended upon, include wrongful actings at the Pursuer's marine farm at Strondoir Bay, Ardrishaig, Loch Fyne. This court accordingly has jurisdiction. There are no proceedings pending before any other court involving the present cause of action and between the parties hereto. There is no agreement prorogating jurisdiction over the subject matter of the present cause to any other court. Proceedings were also raised against the Defender, and interdict granted on 9 August 2023, in similar terms, in the action raised by Mowi Scotland Limited at Oban Sheriff Court under court reference OBN-A20-21. On or around 10 October 2023, the Defender lodged a Note of Appeal to the Sheriff Appeal Court in respect of that action. Proceedings have also been raised against the Defender by Scottish Sea Farms Limited at Oban Sheriff Court under court reference OBN-A29-23. Undertakings were given to the court by the Defender in that action on 2 November 2023.

2. The Pursuer carries on business in the aquaculture industry. The Pursuer's business involves the breeding, rearing and harvesting of salmon. The Pursuer rears these salmon at freshwater hatcheries and marine farms that it operates across Scotland and within the UK's territorial waters, including on the foreshore. The Pursuer also operates its business from, *inter alia*, offices, yards and processing facilities. The list of the Pursuer's Aquaculture Sites is produced by the Pursuer at no. 5/1 of process and is referred to for its terms, which are held to be incorporated herein *brevitatis causa*.
3. The Defender is an environmental activist. The Defender protests about the salmon aquaculture industry across Scotland and other countries. The Defender posts about his activities on his website at <https://scottishsalmonwatch.org/>. On or around 1 February 2022, Scottish Salmon Watch rebranded as "Scamon Scotland" (*sic*). Since on or around 12 September 2010, the Defender has published a blog, "Green Around the Gills", at <https://donstaniford.typepad.com/>. Since on or around 1 November 2012, the Defender has operated a channel on the online video-sharing platform, YouTube, at <https://www.youtube.com/@donstaniford4181>. Since on or around September 2018, the Defender has operated a channel on the online video-sharing platform, Vimeo, at <https://vimeo.com/donstaniford>. The Defender operates an account on the social media platform X (formerly known as Twitter) with the username @TheGAAIA. The Defender operates an account on the social media platform Facebook with the username Don Staniford.

Incursions

4. Since at least 2018, the Defender has attended at the Pursuer's Aquaculture Sites uninvited and without the Pursuer's permission. The Pursuer relies on the following examples of incursions:
 - 4.1. Between around 14 and 22 July 2018, the Defender attended at the Pursuer's marine farm at Quarry point, Loch Fyne. On 3 September 2018, the Defender uploaded a video to his Vimeo channel named "Secret Filming Inside Scottish Salmon Farms - Diseased & Deformed Farmed Salmon (& Lice-Infested 'Cleaner Fish')." The Defender's blog post named "The Go Pro Camera Never Lies (Unlike Salmon Farmers)", dated 15 October 2019 is produced by the Pursuer at no.5/3 of process and referred to for its terms. The Defender boarded the walkway surrounding

one of the Pursuer's pens. The Defender filmed from the walkway. The Defender lifted the above-surface netting of the pen. The Defender inserted an electronic recording device below the surface of the water within the pen. Believed that this device was a GoPro. The Defender filmed below the water surface within the pen.

- 4.2. On 15 September 2018, the Defender attended at the Pursuer's marine farm at Quarry Point, Loch Fyne. On 28 September 2018, the Defender uploaded a video to his Vimeo channel named "Lifting the Lid on Diseased & Deformed Scottish Salmon." The Defender opened the Pursuer's mortality bins. The Defender filmed within the mortality bins. The Defender stated,

"I could get in there but might get trapped and die."

Believed that the Defender knows that the environment around the Pursuer's Aquaculture Farms can be dangerous.

- 4.3. On 16 September 2018, the Defender attended at the Pursuer's site at Strondoir Bay, Ardrishaig, Loch Fyne. On 28 September 2018, the Defender uploaded a video to his Vimeo channel named "WARNING: Dirty Rotten RSPCA Assured Scottish Salmon: "Not for Animal Consumption." The Defender climbed onto the Pursuer's mortality bins. The Defender opened the Pursuer's mortality bins. The Defender filmed the inside of the mortality bins.
- 4.4. On or around 20 November 2018, the Defender attended at the Pursuer's marine farm at Strondior Bay, Ardrishaig, Loch Fyne. On 20 November 2018, the Defender uploaded a video to his Vimeo channel named "Skinless Scottish Salmon in Loch Fyne". The Defender climbed onto the Pursuer's mortality bins. The Defender opened the Pursuer's mortality bins. The Defender filmed the inside of the mortality bins.
- 4.5. On 3 May 2019, the Defender attended at the Pursuer's marine farm at Strondior Bay, Ardrishaig, Loch Fyne. On 8 May 2019, the Defender uploaded a video to his Vimeo channel named "Skip Scottish Salmon." On 15 May 2019, the Defender uploaded a video to his Vimeo channel named "Aquacalypse Now: "I Love the Smell of Farmed Salmon in the Morning". The Defender was accompanied by another unknown individual. The Defender and his associate opened the Pursuer's mortality bins. The Defender filmed the inside of the mortality bins.
- 4.6. On or around 8 June 2019, the Defender attended at the Pursuer's marine farm at Aird, Ardheslaig, Loch Shildaig. On 12 June 2019, the Defender uploaded a video to his Vimeo channel named "Frankenfish - The Ugly Face of Lousy Scottish Salmon." On 13 June 2019, the Defender uploaded a video to his Vimeo channel named "The Welfare Nightmare for the King of Fish". On 13 June 2019, the Defender uploaded a video to his Vimeo channel named "Kayak Trip Around Scottish Salmon Farm in Loch Shildaig (Torrison)." On 14 June 2019, the Defender uploaded a video to his Vimeo channel named "Sneaking Up on Shady Scottish Salmon." The Defender's blog post named "Frankenfish Video - The Ugly Face of Lousy Scottish Salmon", dated 13 June 2019, is produced by the Pursuer at no.5/4 of process and referred to for its terms. The Defender's blog post named "Scottish Salmon Exposed - Photos from Secret Filming on Arran & in Shildaig", dated 18 June 2019, is produced by the Pursuer at no.5/5 of process and referred to for its terms. The Defender was accompanied by another unknown individual. The Defender and his associate travelled by kayak. The Defender and his associate kayaked

within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The Defender and his associate kayaked over the water above the Pursuer's leased area of the seabed. The Defender boarded the walkway surrounding one of the Pursuer's pens. The Defender filmed from the walkway. The Defender lifted the above-surface netting of the pen. The Defender inserted an electronic recording device below the surface of the water within the pen. The Defender filmed below the water surface within the pen.

- 4.7. On or around 8 June 2019, the Defender attended at the Pursuer's Applecross hatchery, Kishorn. On 24 June 2019, the Defender uploaded a video to his Vimeo channel named "Cancer-Causing Chemicals Stashed at Scottish Salmon."
- 4.8. On 1 November 2019, the Defender attended at the Pursuer's marine farm at Portree, Isle of Skye. On 13 November 2019, the Defender uploaded a video to his Vimeo channel named "Blocked From Filming at The Scottish Salmon Company off Portree". The Defender travelled by kayak. The Defender kayaked within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The Defender kayaked over the water above the Pursuer's leased area of the seabed.
- 4.9. On 15 July 2020, the Defender attended at the Pursuer's marine farm at Strone, Loch Striven. On 29 July 2020, the Defender uploaded a video to his Vimeo channel named "Secret Filming Inside Scottish Salmon at Strone Point in Loch Striven." The Defender travelled by kayak. The Defender kayaked within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The Defender kayaked over the water above the Pursuer's leased area of the seabed. The Defender attached his kayak to the Pursuer's structures and pen. The Defender boarded the walkway surrounding one of the Pursuer's pens. The Defender filmed from the walkway. The Defender lifted the above-surface netting of the pen. The Defender inserted an electronic recording device below the surface of the water within the pen. The Defender filmed below the water surface within the pen.
- 4.10. On 8 September 2020, the Defender attended at the Pursuer's marine shore base at Quarry Point, Crarae, By Furnace, Argyll and the Pursuer's marine farm at Quarry Point, Loch Fyne. On 19 October 2020, the Defender uploaded a video to his Vimeo channel named "'Keep 15 Metres Away' Warns The Scottish Salmon Company." On 19 October 2020, the Defender uploaded a video to his Vimeo channel named "Dead In the Water - The Scottish Salmon Company." The Defender was accompanied by two other unknown individuals. The Defender and his associates travelled by kayak. The Defender and his associates kayaked within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The Defender and his associate kayaked over the water above the Pursuer's leased area of the seabed. The Defender read aloud a sign on one of the Pursuer's pens. The sign stated that there was no unauthorised access, that the site was a bio-secure site and advised members of the public to keep 15 metres away. The Defender attached his kayak to the Pursuer's structures and pen. The Defender boarded the walkway surrounding one of the Pursuer's pens. The Defender filmed from the walkway. The Defender lifted the above-surface netting of at least 3 of the Pursuer's pens. The Defender inserted an electronic recording device below the surface of the water within the pens. The Defender filmed below the water surface within the pens.

4.11. On 30 September 2020, the Defender attended at the Pursuer's marine farm at Quarry Point. On 30 January 2023, over two years later, the Defender uploaded a video to his YouTube channel named "Lice-Infested Bakkafrost (The Scottish Salmon Company) in Loch Fyne - as sponsored by RSPCA Assured." On 30 January 2023, over two years later, the Defender uploaded a video to his YouTube channel named "Lousy Scottish Salmon - farmed by RSPCA Assured The Scottish Salmon Company (Bakkafrost Scotland". The Defender boarded the walkway surrounding one of the Pursuer's pens. The Defender filmed from the walkway. The Defender lifted the above-surface netting of the Pursuer's pen. The Defender inserted an electronic recording device below the surface of the water within the pen. The Defender filmed below the water surface within the pen.

4.12. On 16 June 2021, the Defender uploaded a video to his Vimeo channel named "Volunteers Wanted for 'Operation Scottish Scamon' (I'm too old & fat and want to retire)!" Reference is made to the caption to the video which states,

"If you have kayak skills; a drone or can offer boat support please contact Don Staniford via salmonfarmingkills@gmail.com."

In the video the Defender stated,

"I really need some younger, fitter people to help...I want to give up this game. I can direct from the sidelines...give you information. Could maybe even pay your petrol money, if we get some donations...I need some new people. So, please, if you want to be a volunteer for Scottish Salmon Watch for Operation Scottish Scamon (*sic*), please help."

Believed that the Defender published the video to encourage other individuals to carry out the same conduct that is complained of.

4.13. On 4 September 2021, the Defender attended at the Pursuer's marine farm at Quarry point, Loch Fyne. On 17 September 2021, the Defender uploaded a video to his Vimeo channel named "No Unauthorised Access' Warn The Scottish Salmon Company." The Defender travelled by kayak. The Defender kayaked within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The Defender kayaked over the water above the Pursuer's leased area of the seabed. The Defender attached his kayak to the Pursuer's structures and pen. The Defender boarded the walkway surrounding one of the Pursuer's pens. The Defender filmed from the walkway. The Defender read aloud a sign on one of the Pursuer's pens. The sign stated that there was no unauthorised access, that the site was a bio-secure site and advised members of the public to keep 15 metres away from the outer markers of all structures for their own safety and for the health and welfare of the Pursuer's staff and of the fish.

4.14. On 6 September 2021, the Defender attended at the Pursuer's marine farm at West Strome, Loch Carron. On 8 September 2021, the Defender uploaded a video to his Vimeo channel named "Scottish Salmon Video Nasty - Strome salmon farm in Loch Carron (6 September 2021): how can this company be RSPCA Assured?" The Defender was accompanied by at least one other unknown individual. The Defender and his associate travelled to the marine farm by boat. The Defender boarded the walkway surrounding one of the Pursuer's

pens. The Defender filmed from the walkway. The Defender lifted the above-surface netting of the Pursuer's pen. The Defender inserted an electronic recording device below the surface of the water within the pen. The Defender filmed below the water surface within the pen.

- 4.15. On or around 8 July 2022, the Defender uploaded a video to his Vimeo channel named "GOPR1890 How to board a salmon farm 8 July 2022.MP4." The Defender stated,

"This is how to board a salmon farm. Just kayaked up. We have a carabiner clip on. So, we just tie it on – and it's not very elegant sometimes but we just step on. There's no security and you can lift the top net. So, we've just made sure our kayak's tied on, stepped onto the farm, looking around for mortalities. Looks like there's some sort of dead thing there. So, we just lift the top net..."

Believed that that the video has been uploaded to instruct, educate and encourage others to carry out the same activity.

- 4.16. On 28 and 29 June 2023 at around 5am, the Defender attended at the Pursuer's marine farm at Portree, Isle of Skye. On or around 29 June, the Defender uploaded a video to his YouTube channel named "Portree Bakka frost 29 June 2023 #4 Kayak back". On or around 21 July 2023, the Defender uploaded a video to his Vimeo channel named "Portree #1 Unnecessary Suffering: Breach of Animal Health & Welfare (Scotland) Act 2006." The Defender's press release named "RSPCA Assured Scottish Salmon is Sealed With a Kiss of Death & Biosecurity Breaches!" dated 30 July 2023 is produced by the Pursuer at no.5/10 of process and referred to for its terms. The press release states,

"Here's more video footage shot by Don Staniford of \$camon \$cotland inside Bakka frost's Portree salmon farm on 28 & 29 June 2023 (click on the graphics to play the clips)".

The Defender travelled by kayak. The Defender kayaked within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The Defender kayaked over the water above the Pursuer's leased area of the seabed. The Defender attached his kayak to the Pursuer's structures and pen. The Defender boarded the walkway surrounding one of the Pursuer's pens. The Defender filmed from the walkway. The Defender lifted the above-surface netting of the Pursuer's pen. The Defender inserted an electronic recording device below the surface of the water within the pen. The Defender filmed below the water surface within the pen. In one video ("Portree Bakka frost 29 June 2023 #4 Kayak back"), the Defender stated,

"I was up at 3 o'clock, on the water at 4 o'clock, back hopefully to the car by 6 o'clock before the salmon farmers get up for their breakfast. We'd like to film in the day. We'd like to film in better light, but we do what we can."

Believed that the Defender knew that he was accessing the Pursuer's Aquaculture Sites without the Pursuer's permission.

- 4.17. On or around 5 August 2023, the Defender attended at the Pursuer's shore base and marine farm at Geasgill, Isle of Mull. On 19 August 2023, the Defender uploaded a video to his Vimeo channel named "Bakka frost is the King of Death: Mass mortalities at Geasgill salmon

farm in Loch Na Keal.” On 20 August 2023, the Defender uploaded a video to his Vimeo channel named “Summary: Bakkafrost’s welfare nightmare in Loch Na Keal (Isle of Mull)”. The Defender was accompanied by at least one other unknown individual. The Defender and his associate travelled to the marine farm by boat. The Defender then kayaked to the Pursuer’s pens. . The Defender kayaked within the Pursuer’s leased area of the seabed marked by the Pursuer’s buoys. The Defender kayaked over the water above the Pursuer’s leased area of the seabed. The Defender boarded the walkway surrounding one of the Pursuer’s pens. The Defender filmed from the walkway. The Defender lifted the above-surface netting of the Pursuer’s pen. The Defender inserted an electronic recording device below the surface of the water within the pen. The Defender filmed below the water surface within the pen. The Defender stated that,

“We just kayaked out [to the marine farm]. We just left [the marine farm] when we saw a Bakkafrost Zodiac. We saw someone in the Naomi Jennifer.”

Believed that the Defender knew that he was accessing the Pursuer’s Aquaculture Sites without the Pursuer’s permission.

- 4.18. On or around 5 August 2023, the Defender escorted Ms Vicky Allan to the Pursuer’s shore base and marine farm at Geasgill, Isle of Mull. Ms Allan is a journalist with the (Glasgow) Herald. The tweet by the user @HeraldScotland is produced by the Pursuer at no.5/7 of process and referred to for its terms. The Defender and Ms Allan travelled by boat. On 26 August 2023, the Defender uploaded a video to his Vimeo channel named “Herald investigation into Bakkafrost’s mass mortalities on the Isle of Mull.” On 26 August 2023, an article authored by Ms Allan was published by the (Glasgow) Herald. The article, “Salmon mortality rates - how I saw one farms deaths at first hand”, is produced by the Pursuer at no. 5/8 of process and is referred to for its terms. The article states,

“What took me to the Isle of Ulva and to Geasgill farm was the veteran anti-salmon-farm activist behind the campaigning group Scamon Scotland, Don Staniford, who had invited me...”

and

“Footage filmed by a drone cameraman offered a close-up on the aftermath of the treatment...”.

- 4.19. On 11 September 2023, an article authored by Ms Allan was published by the (Glasgow) Herald. The article, “210,000 salmon dead at one salmon farm in one month”, is produced by the Pursuer at no. 5/9 of process and is referred to for its terms. The article states,

“These are the dead fish that I saw at Geasgill farm in early August. It confirms what we observed when I visited the site, run by Faroes-based company Bakkafrost, with activist Don Staniford in early August...”

5. At all times as condescended upon, the Defender and his associates have accessed the Pursuer’s Aquaculture Sites without the Pursuer’s permission.

Unmanned Aerial Vehicles

6. The Defender has been accompanied on occasions by unknown individuals when attending at the Pursuer's Aquaculture Sites. The Defender's associates have flown unmanned aerial vehicles ("Drones") within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The Defender's associates have flown Drones over the water above the Pursuer's leased area of the seabed. The Defender's associates have recorded the Defender carrying out the conduct complained of. The Pursuer's relies upon the following examples:

6.1. On 26 May 2019, the Defender uploaded a video to his Vimeo channel named "Drone Landing at Quarry Point, Loch Fyne". Believed that the footage was recorded at the Pursuer's marine farm at Quarry Point, Loch Fyne. The Defender stated,

"This is the drone coming into land. We are in Loch Fyne, Quarry Point, May 2019. The drone's (*sic*) just done its stuff over a salmon farm. This is the scene of a mass mortality at the Scottish Salmon Company."

6.2. On 26 May 2019, the Defender uploaded a video to his Vimeo channel named "Droning On About Disease-Ridden Scottish Salmon". Believed that the footage was recorded at the Pursuer's marine farm at Ardcastle, Loch Fyne. The Defender stated,

"This is Don Staniford reporting for Scottish Salmon Watch. This is just a drone going up over the salmon farm here in Loch Fyne. This is Ardcastle Bay. So, this drone'll capture footage of the salmon...The drones just going to check out the – there's a mort boat around the corner..."

Believed that the Defender will continue to instruct, procure or encourage unknown individuals to fly drones over the Pursuer's Aquaculture Sites unless interdicted from doing so.

6.3. On 28 May 2019, the Defender uploaded a video to his Vimeo channel named "Drone Footage of Scottish Salmon Farm". The video's caption states,

"Aerial footage filmed by a drone over the Scottish Salmon Company's Strondoir Bay salmon farm in Loch Fyne."

Believed that the footage was recorded at the Pursuer's marine farm at Strondoir Bay, Loch Fyne. The Drone was flown over the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The Drone was flown over the Pursuer's pens.

6.4. As averred in article of condescendence 4.16, on 30 July 2023 the Defender published a press release, which is produced by the Pursuer at no.5/10 of process and referred to for its terms. The press release states,

"Investigators visit Bakkafrost's Portree salmon farm again on 9 July 2023 with a drone and captured video footage."

and

"Here's drone footage from 9 July 2023 showing the Ronja Star...operating at Portree (outer) salmon farm with other workboats..."

6.5. On 19 August 2023, the Defender uploaded a video to his Vimeo channel named “Drone footage of dead salmon at Bakkafrost’s Geasgill salmon farm in Loch Na Keal, Isle of Mull”. As averred in article of condescendence 4.17, on 19 August 2023, the Defender uploaded a video to his Vimeo channel named “Bakkafrost is the King of Death: Mass mortalities at Geasgill salmon farm in Loch Na Keal.” Believed that the footage was shot at the Pursuer’s marine farm at Geasgill, Isle of Mull. The Defender stated,

“We’ve hopefully got a drone and zoom lens cameras taking video for close-ups here of the mortalities. We will hopefully get footage of the mortalities onboard these ships.”

Believed that the footage was filmed using a Drone. Believed that the Defender, or an unknown associate, flew a Drone within the leased area of the seabed marked by the Pursuer’s buoys. The Drone was flown over the Pursuer’s pens, vessels and staff.

6.6. On 8 September 2023, the Defender uploaded a video to his Vimeo channel named “Zombie Salmon II: The Nightmare Continues at R\$PCA A\$\$ured Bakkafrost Scotland.” Believed that the footage was shot at the Pursuer’s marine farm at Geasgill, Isle of Mull. Believed that the footage was filmed using a Drone. Believed that the Defender, or an unknown associate, flew a Drone within the leased area of the seabed marked by the Pursuer’s buoys. The Drone was flown over the Pursuer’s pens, vessels and staff.

6.7. On 27 October 2023 the Defender uploaded a video to his Vimeo channel named “Bakkafrost, Loch Carron (2023)”. Believed that the footage was filmed at the Pursuer’s marine farm at Strome, Lochcarron. Believed that the footage was filmed using a Drone. Believed that the Defender, or an unknown associate, flew a Drone within the leased area of the seabed marked by the Pursuer’s buoys.

Unmanned underwater vehicles

7. As condescended upon, the Defender has sought various ways of accessing, and has accessed, the Pursuer’s Aquaculture Sites. The Defender has, *inter alia*, used electronic recording devices to film within the Pursuer’s pens and instructed, procured or encouraged others to fly Drones over, and near to, the Pursuer’s Aquaculture Sites. The Defender has done this over a period of time at various locations. The Pursuer has a reasonable apprehension that the Defender will continue with this conduct unless interdicted from doing so. The Pursuer has a reasonable apprehension that the Defender would use unmanned underwater vehicles to continue engaging in this conduct, if he was interdicted from physically accessing the Pursuer’s Aquaculture Sites or from flying Drones.

Health & Safety and Biosecurity

8. Aquaculture is a regulated industry. The Pursuer’s business and operations are governed by the terms of, *inter alia*, the following: (1) the Aquaculture and Fisheries (Scotland) Act 2007; (2) the Aquaculture and Fisheries (Scotland) Act 2013; (3) the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003; (4) the Aquatic Animal Health (Scotland) Regulations 2009; (5) The Health and Safety at Work Act 1974; (6) the Health and Safety (First Aid) Regulations 1981; (7) the Electricity at Work Regulations 1989; (8) the Diving at Work Regulations 1997; (9) the Loading and Unloading of Fishing Vessels Regulations 1988; (10) the Management of Health and Safety at Work Regulations 1999; (11) the Electricity at Work Regulations 1989; (12) the Workplace (Health,

Safety and Welfare) Regulations 1992; (13) the Provision and Use of Work Equipment Regulations 1998; (14) the Lifting Operations and Lifting Equipment Regulations 1998; (15) the Personal Protective Equipment at Work Regulations 1992; (16) the Manual Handling Operations Regulations 1992; (17) the Control of Substances Hazardous to Health Regulations 1999; (18) the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995; (19) the Water Environment (Controlled Activities) (Scotland) Regulations 2011; (20) the Town and Country Planning (Scotland) Act 1997. The Health & Safety Executive's publication, "Health and safety on floating fish farm installations", is produced by the Pursuer at no.5/11 of process and referred to for its terms.

9. The Pursuer's operations, and the conduct of the Pursuer's staff at the Pursuer's Aquaculture Sites, are overseen by, *inter alia*, the following agencies with statutory or other regulatory powers to act: (1) Marine Scotland; (2) the Scottish Environmental Protection Agency; (3) the Health and Safety Executive; (4) the Marine Coastal Agency; (5) the Fish Health Inspectorate.
10. The environment around the Pursuer's Aquaculture Farms can be dangerous. There can be hazards on or under the water within the Pursuer's leased area of the seabed. Believed that the Defender knows that the environment around the Pursuer's Aquaculture Farms can be dangerous. The Pursuer trains its staff on how to minimise or avoid any risks and to comply with all relevant health and safety legislation. The Defender claims that he behaves safely when attending at the Pursuer's Aquaculture Sites. The Pursuer has no knowledge of what training, if any, that the Defender has undertaken in terms of the legislation and regulations that apply to the aquaculture industry. The presence of the Defender and his associates at the Pursuer's Aquaculture Sites poses a risk to the health and safety of the Pursuer's staff. The presence of the Defender and his associates at the Pursuer's Aquaculture Sites poses a risk to their own health and safety.
11. The Aquatic Animal Health (Scotland) Regulations 2009 implement animal health requirements for aquaculture animals and the prevention and control of certain diseases in aquatic animals. Under and in terms of regulation 5 of the Aquatic Animal Health (Scotland) Regulations 2009, it is an offence to operate an aquaculture production business or a processing establishment unless the business or establishment is authorised by the Scottish Ministers. The Pursuer's Aquaculture Sites are authorised by the Fish Health Inspectorate on behalf of the Scottish Ministers. Under and in terms of regulation 13 of the 2009 Regulations, the Fish Health Inspectorate must keep a public record of authorised aquaculture production businesses and authorised processing establishments. The Fish Health Inspectorate's register of authorised aquaculture production businesses updated to 21 September 2023 is produced by the Pursuer at no.5/14 of process and referred to for its terms. The Fish Health Inspectorate's register of authorised processing establishments updated 16 March 2018 is produced by the Pursuer at no.5/15 of process and referred to for its terms.
12. In terms of regulation 6(2) of the Aquatic Animal Health (Scotland) Regulations 2009,
 - "(2) It is a condition of an authorisation that the [aquaculture production] business must—
 - (a) keep a record, in such form and manner as the competent authority may specify, of—
 - (i) the movement of any aquaculture animal or any aquaculture animal product into or out of the area in respect of which the business operates;

(ii) the number of any aquaculture animals that have died in each epidemiological unit within that area;

(iii) the results of any surveillance carried out by the business; and

(iv) the results of any surveillance carried out by the competent authority which have been notified to the business;

(b) follow good biosecurity practice;

(c) comply with any surveillance requirement imposed by the competent authority; and

(d) have a system in place which enables the operator to demonstrate to the competent authority that the requirements of subparagraphs (a) to (c) are being met.”

13. In terms of regulation 7(2) of the Aquatic Animal Health (Scotland) Regulations 2009,

“(2) It is a condition of an authorisation that the operator [of a processing establishment] must–

(a) keep a record, in such form and manner as the competent authority may specify, of the movement of any aquaculture animal or any aquaculture animal product into or out of the premises of the establishment;

(b) follow good biosecurity practice; and

(c) have a system in place which will enable the operator to demonstrate to the competent authority that the requirements of subparagraphs (a) and (b) are being met.”

14. The Fish Health Inspectorate publishes guidance for operators of aquaculture processing establishments. The Fish Health Inspectorate’s “Your legal obligation” guidance is produced by the Pursuer at no.5/17 of process and is referred to for its terms, which are held to be incorporated *brevitatis causa* herein. The “Your legal obligation” guidance provides, *inter alia*, that the Fish Health Inspectorate will consider:

- “biosecurity measures implemented and instruction posted, in relation to biosecurity arrangements, on all routes of entry and exit from the site to prevent the transmission of fish disease.
- biosecurity measures implemented with regard to vehicular access to, from and within the processing establishment to prevent the transmission of fish disease.
- biosecurity measures implemented with regard to protective clothing and site equipment to prevent the transmission of fish disease.”

15. The Fish Health Inspectorate publishes guidance for operators of aquaculture production businesses. The Fish Health Inspectorate’s “Biosecurity Measures Plan” is produced by the Pursuer at no.5/16 of process and referred to for its terms, which are held to be incorporated *brevitatis causa* herein. The “Biosecurity Measures Plan” provides, *inter alia*, that the minimum information required as part of a plan includes:

“(e) The husbandry and biosecurity measures to be implemented between epidemiological units on the farm to ensure the transmission of fish diseases by the movement of staff, visitors, equipment and live or dead fish is minimised;”

16. The Pursuer trains its staff so that the Pursuer complies with its obligation to follow good biosecurity practice. The Pursuer has measures in place to ensure visitors follow good biosecurity practice. The Defender claims that he follows good biosecurity practice before attending at the Pursuer's Aquaculture Sites. The Pursuer has no means to verify this. The presence of the Defender and his associates, and the conduct complained of, at the Pursuer's Aquaculture Sites poses a biosecurity risk to the Pursuer's fish.

Interdict

17. In the circumstances, as condescended upon, the Pursuer has a strong *prima facie* case. The Defender's incursions are unlawful. The Defender has no lawful basis for the activities condescended upon. The Defender is interdicted from attending at, or flying Drones over, aquaculture sites owned and operated by Mowi Scotland Limited. The Defender has given undertakings to the court not to attend at, or fly Drones over or within 150m horizontally of, aquaculture sites owned and operated by Scottish Sea Farms Limited. The Pursuer has a reasonable apprehension that the Defender will focus his attention on the Pursuer's Aquaculture Sites.

18. The balance of convenience favours the Pursuer:

18.1. The Defender's conduct poses a risk to the safety and well-being of the Pursuer's staff. The Defender's conduct poses a risk to the welfare of the Pursuer's fish. The Pursuer will suffer financial loss, if the fish are unintentionally harmed by the Defender. The Defender's conduct poses a risk to his own safety.

18.2. The Defender will not be interdicted from lawfully acting as an environmental activist. The terms of the interdict sought do not interfere with the responsible exercise of his right to peacefully and lawfully protest.

18.3. Any concerns that the Defender has about the Pursuer's operations or conduct at the Pursuer's Aquaculture Sites can be submitted to the relevant agencies with statutory or other regulatory powers to act.

19. The Defender has been called upon to desist from the conduct complained of. The Defender refuses or delays unreasonably to do so. This action is accordingly necessary.

PLEAS-IN-LAW

1. The actings of the Defender as condescended upon being an interference with the Pursuer's exclusive right to the use and occupation of the Pursuer's Aquaculture Sites, and the Pursuer being reasonably apprehensive that the Defender will continue with the said conduct, extended interdict, in terms of s.84 of the Courts Reform (Scotland) Act 2014, should be pronounced as first craved.

2. In the circumstances, and having regard to the balance of convenience, extended interdict, in terms of s.84 of the Courts Reform (Scotland) Act 2014, should be pronounced *ad interim*.

IN RESPECT WHEREOF



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Ref: B6220.1/JSWM/RJML

SOLICITORS FOR THE PURSUER