

## Scottish Salmon Watch, April 2021

[FOI Disclosure: Seal Licence Breaches by Salmon Farms \(reply by Scottish Government on 1 April 2021\)](#)



### Summary:

Documents disclosed via Freedom of Information by the Scottish Government on 1 April 2021 (FOI-2021-00155371) lift the lid further on the illegally killing of seals by salmon farms across Scotland.

'Intelligence Reports' marked "Official – Sensitive" for Marine Scotland's Intelligence Database (Surveillance & Enforcement Branch) include:

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#### **Intelligence received on 28/10/2019 provides that:**

Over the weekend 18 & 19 October on a fish farm in Orkney - 15- 20 seals were observed dead in a net that is used as a buffer to prevent seals getting at salmon pens.

Note that two salmon farming companies – [Cooke Aquaculture](#) and Scottish Sea Farms – operate in Orkney. In 2019, [Cooke Aquaculture was fined £2,000 for failing to report the killing of five seals in Shetland](#). Scottish Sea Farms is [Scottish salmon's #1 seal killer in Scotland with over 230 seals officially killed since 2011](#).

#### **Intelligence received on 11/01/2018 provides that:**

Two seals, a mother and a pup have allegedly been shot near Eilean Griannain fish farm, north of Carradale. One seal was found washed ashore at Port Rìgh and another along at Shore Road. [Redacted]

[Redacted]

[Redacted]

Both seals have since been washed back out to sea. From photographs taken It is difficult to see if each seal had been shot but both are badly mutilated.

#### **Disclaimer**

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Mowi operate two salmon farms at Carradale in Kilbrannan Sound with a FOI disclosure by the Scottish Government in February 2021 revealing that Mowi was experiencing problems with seals at their two salmon farms at Carradale and illegal seal killing in Loch Ewe.

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**Intelligence received on 03/09/2018 provides that:**

It has been reported that 4 seals were found shot on the coast of Basta Voe, Yell near Burray (Grid ref HU5514 9531) They were found by visitors on the weekend of 12th August. [Redacted] Contact had been made with MS Lot.

**Intelligence received on 03/09/2018 provides that:**

Confirmed with MS Lot that no reports were received by any fish farms in the area, this is a breach of their licence conditions (assuming they were shot at a fish farm) It also looks as though no attempt was made to recover the carcasses, again another breach of a licence condition.

The Sunday Post [reported in February 2019](#): “Calls to outlaw the shooting of seals in Scotland were made by environmental campaigners after tourists discovered five shot seals on the coastline at Basta Voe on Shetland’s main island. Following an investigation by Marine Scotland Cooke Aquaculture was fined £2,000 for failing to report the killing of seals in Basta Voe to the licencing authority within 48 hours”.



A dead seal shot to protect salmon stocks in Shetland. (Lizzie Daley)

Shetland News [reported in February 2019](#):



Wildlife Campaigner Lizzie Daly with one of the seal carcasses at Basta Voe, last August.

Wildlife presenter Lizzie Daly who travelled to Shetland in August to document the seal carcasses washed up at Basta Voe, ([watch her video here](#)) called for much tougher enforcement of the current licencing regime and added that, ultimately, the shooting of seals should be banned.

Salmon farms are an important industry for Scotland and the good news is that by investing in these nets it will show how it is possible for them to coexist alongside seals without the loss of fish or the shooting of seals,” she said.

“For me, I would like to see a ban on the shooting of seals here in the UK.

“Salmon farms are always going to be in the seal’s natural environment, so investing in effective long-term deterrents like double netting is a

sensible solution for this.

“It’s important for the industry to address that they are in their environment, they are natural predators and the industry should be proud to share waters with seals – one of the UK’s most iconic marine mammals.”



Silent Slaughter: The Shooting of Scotland's Seals

4,883 views · Aug 31, 2018

114 4 SHARE



**Lizzie Daly** @LizzieDalyWild · Feb 4, 2019



What has happened since [#SilentSlaughter](#)? A step in the right direction as salmon farm in Shetland now invests in double netting. Pressure from YOU the public has helped make this happen. Can we make Shetland seal shooting free? PLEASE RT!! [shet.news/rxr2a](http://shet.news/rxr2a)



14

277

269



**Intelligence received on 12/09/2018 provides that:**

The carcass of a common seal was found under the Kylesku Bridge. It was taken to the SRUC lab in Inverness where a necropsy was undertaken including x-rays. The animal was found to have been shot. It might have been reported to Police Scotland but not MS

**Intelligence received on 12/09/2018 provides that:**

Contacted MS-lot, they have received no reports of any seals shot in the area (as required by all licences). [Redacted]  
[Redacted]

Notes		
User	Date	Note
[Redacted]	17/09/2018 12:39:46	Licence [Redacted] covers the area where this carcass was found. No reports of any returns being submitted against this licence were submitted to MS-LOT

Loch Duart has several salmon farms in the vicinity of Kylesku Bridge including Loch a' Chàirn Bhàin which [The Guardian in October 2018 reported](#) "has shot seals too, under licences that conservationists believe are too lax". Official reporting for seals killed during 2018 [published by the Scottish Government](#) does not detail any seals killed by Loch Duart until two killed in December 2018 at Calbha and Oldany.

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**Intelligence received on 29/04/2019 provides that:**

A seal carcass with bullet holes has been found at the Wick of Belmont, Unst, Shetland. [Redacted] Carcass reported to be around 2 weeks old.

Cooke Aquaculture [operate a salmon farm at Wick of Belmont, Unst, in Shetland](#). Official reporting for seals killed during 2019 [published by the Scottish Government](#) details only one grey seal killed by Cooke Aquaculture and that was at their Bow of Hascosay salmon farm in Mid Yell, Shetland, in September 2019.

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**Intelligence received on 02/09/2019 provides that:**

Suspected seal shooting occurred around 2nd July 2019 in Uig bay. Animal recovered but no necropsy to confirm cause of death has yet been carried out.

Closest fish farm does not appear to have a seal shooting licence although another farm close by which is not stocked does have a licence. No recorded shootings under licence from that farm. [Redacted]

[Redacted] knew about seal being found but denied any involvement. He did however state that their normal marksman, name not given, did not currently have the required firearms licence. He was also under the impression that both sites did have a licence to shoot seals.

Grieg Seafood [operate a salmon farm in Uig Bay in Loch Snizort](#) and another salmon farm at [Ru Chorachan in Loch Snizort](#). Official reporting for seals killed during 2019 [published by the Scottish Government](#) does not detail a single seal killed by Grieg Seafood. In fact, [Grieg](#)

[Seafood has not officially reported a seal killed since 2017](#) although they were [suspected of killing a harbour seal found with a bullet in its head in nearby Loch Dunvegan in January 2021](#).

The FOI disclosure also [details internal email discussions by the Scottish Government in relation to a media enquiry by The Ferret in February 2021](#) (the reply [required clearance from the Minister for Rural Affairs and the Natural Environment, Ben Macpherson](#))

The Scottish Government's [FOI response letter dated 1 April 2021](#) included 64 licence breaches for late reporting by salmon farms (1 January 2018 to 11 February 2021):

b. Please find a table below providing the information you have requested regarding breaches of Seal Licences by salmon farmers between 1 January 2018 and 11 February 2021 inclusive:

	Late Q1 Reports – Licence condition 5	Late Q2 Reports – Licence condition 5	Late Q3 Reports – Licence condition 5	Late Q4 Reports – Licence condition 5	Late 48 Reports – Licence condition 4
01 Jan 2018 to 11 Feb 2021	10	1	10	11	32

And the Scottish Government explained in their [letter to Scottish Salmon Watch dated 1 April 2021](#):

Of the total 14 Marine Scotland Intelligence Reports provided to you to date: (i) 5 have been passed to Police Scotland, and (ii) 2 have been passed to the National Wildlife Crime Unit.

MSIR 3004074 - Police Scotland  
MSIR 3004110 - Police Scotland  
MSIR 3004123 - Police Scotland  
MSIR 3004491 - National Wildlife Crime Unit  
MSIR 3004783 - Police Scotland  
MSIR 3005055 - Police Scotland and National Wildlife Crime unit

MSIR 3004110 is the Basta Voe case in August 2018 believed to involve [Cooke Aquaculture who were fined £2,000](#) in 2019. Cooke Aquaculture currently (as of 2 April 2021) [claim to operate seven sea-water salmon farms which are certified as 'organic' by the Soil Association](#).

MSIR 3004123 is the Kylesku Bridge case in September 2018 believed to involve Loch Duart who operate salmon farms in the vicinity.

MSIR 3004491 is the Wick of Belmont case in April 2019 believed to involve Cooke Aquaculture who operate a salmon farm at Wick of Belmont in Shetland. [Cooke's web-site cites RSPCA Assured](#) but does not specify how many farms are accredited (Cooke [recently clarified their web-page](#) stating that they operated seven 'organic' salmon farms, all in Orkney).

MSIR 3004783 is the Uig Bay case in September 2019 believed to involve Grieg Seafood who operate a salmon farm in Uig Bay (Loch Snizort) and another salmon farm in Loch Snizort.

MSIR 3005055 is the [Loch Ewe case in January 2020 involving Mowi](#).

## **Background:**

[Photo Exclusive: Seals 'Executed' by Scottish Salmon](#)

[FOI disclosure from Scottish Marine Animal Strandings Scheme](#)

[Police Scotland refuse to name 112 marksmen licenced to kill seals!](#)

[Sunday Times: "Sharp rise in seal shootings blew hole in permit scheme - Officials were warned that salmon farmers 'had no willingness or intention' to collect detailed data"](#)

[Calling All Whistleblowers - Please pass on photos of dead seals killed at salmon farms!](#)

[Daily Mirror: "Nearly 80 seals were legally shot in Scotland in 2020 – highest number in seven years"](#)

[Scottish Salmon's #1 Seal Killer - Norway's 'Scottish' Sea Farms Named & Shamed!](#)

[Official Data: 1,000+ seals killed by salmon farms since 2011!](#)

[The Ferret: "Salmon companies rapped for breaking rules on shooting seals"](#)

[Caught in the Cross-Hairs: Illegal Killing of Seals by Scottish Salmon Farms!](#)

[FOI opens sealed documents on killing by salmon farms](#)

[Greedy Salmon Farmers Demand £13 Million Compensation for Seal Attacks!](#)

[£5,000 reward offered for information on illegal shooting of seals](#)

Key Documents disclosed by the Scottish Government on 1 April 2021 (FOI-2021-00155371):

[PDF #1 Intelligence Mowi Carradale two seals mother & pup badly mutilated](#)

OFFICIAL – SENSITIVE

marinescotland

**Marine Scotland Intelligence Database**

Surveillance and Enforcement Branch

**Intelligence Report**

**DISSEMINATION**

MSIR Ref:

Grading Officer:

Date and Time of Report:

SOURCE EVALUATION	INTELLIGENCE EVALUATION	HANDLING CODE
[Redacted]	[Redacted]	[Redacted]

**Intelligence received on 11/01/2018 provides that:**

Two seals, a mother and a pup have allegedly been shot near Eilean Griannain fish farm, north of Carradale. One seal was found washed ashore at Port Righ and another along at Shore Road. [Redacted]

[Redacted]

[Redacted]

Both seals have since been washed back out to sea. From photographs taken It is difficult to see if each seal had been shot but both are badly mutilated.

**DISSEMINATION**

**Disclaimer**

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**Marine Scotland Intelligence Database**

Surveillance and Enforcement Branch

**Intelligence Report**

**DISSEMINATION**

MSIR Ref:

Grading Officer:

Date and Time of Report:

SOURCE EVALUATION	INTELLIGENCE EVALUATION	HANDLING CODE
[Redacted]	[Redacted]	[Redacted]
<b>Intelligence received on 03/09/2018 provides that:</b> It has been reported that 4 seals were found shot on the coast of Basta Voe, Yell near Burray (Grid ref HU5514 9531) They were found by visitors on the weekend of 12th August. [Redacted] Contact had been made with MS Lot.		

SOURCE EVALUATION	INTELLIGENCE EVALUATION	HANDLING CODE
[Redacted]	[Redacted]	[Redacted]
<p><b>Intelligence received on 03/09/2018 provides that:</b>  Confirmed with MS Lot that no reports were received by any fish farms in the area, this is a breach of their licence conditions (assuming they were shot at a fish farm) It also looks as though no attempt was made to recover the carcasses, again another breach of a licence condition.</p>		

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[PDF #6 Kylesku Bridge near Loch Duart carcass of common seal shot](#)

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**Marine Scotland Intelligence Database**

Surveillance and Enforcement Branch

**Intelligence Report**

**DISSEMINATION**

MSIR Ref:

Grading Officer:

Date and Time of Report:

SOURCE EVALUATION	INTELLIGENCE EVALUATION	HANDLING CODE
[Redacted]	[Redacted]	[Redacted]
<p><b>Intelligence received on 12/09/2018 provides that:</b>  The carcass of a common seal was found under the Kylesku Bridge. It was taken to the SRUC lab in Inverness where a necropsy was undertaken including x-rays. The animal was found to have been shot. It might have been reported to Police Scotland but not MS</p>		

SOURCE EVALUATION	INTELLIGENCE EVALUATION	HANDLING CODE
[Redacted]	[Redacted]	[Redacted]
<p><b>Intelligence received on 12/09/2018 provides that:</b>  Contacted MS-lot, they have received no reports of any seals shot in the area (as required by all licences). [Redacted]  [Redacted]</p>		

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**Marine Scotland Intelligence Database**

Surveillance and Enforcement Branch

**Intelligence Report**

**DISSEMINATION**

Notes		
User	Date	Note
[Redacted]	17/09/2018 12:39:46	Licence [Redacted] covers the area where this carcass was found. No reports of any returns being submitted against this licence were submitted to MS-LOT

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**Marine Scotland Intelligence Database**

Surveillance and Enforcement Branch

**Intelligence Report**

**DISSEMINATION**

MSIR Ref:	3004491
Grading Officer:	[Redacted]
Date and Time of Report:	29/04/2019 11:24

SOURCE EVALUATION	INTELLIGENCE EVALUATION	HANDLING CODE
[Redacted]	[Redacted]	[Redacted]

**Intelligence received on 29/04/2019 provides that:**  
A seal carcass with bullet holes has been found at the Wick of Belmont, Unst, Shetland. [Redacted] Carcass reported to be around 2 weeks old.

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**Marine Scotland Intelligence Database**

Surveillance and Enforcement Branch

**Intelligence Report**

**DISSEMINATION**

MSIR Ref:

Grading Officer:

Date and Time of Report:

SOURCE EVALUATION	INTELLIGENCE EVALUATION	HANDLING CODE
[Redacted]	[Redacted]	[Redacted]

**Intelligence received on 02/09/2019 provides that:**

Suspected seal shooting occurred around 2nd July 2019 in Uig bay. Animal recovered but no necropsy to confirm cause of death has yet been carried out.

Closest fish farm does not appear to have a seal shooting licence although another farm close by which is not stocked does have a licence. No recorded shootings under licence from that farm.[Redacted]

[Redacted] knew about seal being found but denied any involvement. He did however state that their normal marksman, name not given, did not currently have the required firearms licence. He was also under the impression that both sites did have a licence to shoot seals.

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**Marine Scotland Intelligence Database**

Surveillance and Enforcement Branch

**Intelligence Report**

**DISSEMINATION**

MSIR Ref:	3004908
Grading Officer:	[Redacted]
Date and Time of Report:	28/10/2019 16:45

SOURCE EVALUATION	INTELLIGENCE EVALUATION	HANDLING CODE
[Redacted]	[Redacted]	[Redacted]

**Intelligence received on 28/10/2019 provides that:**  
Over the weekend 18 & 19 october on a fish farm in Orkney - 15- 20 seals were observed dead in a net that is used as a buffer to prevent seals getting at salmon pens.  
No further evidence available other than the "third" hand information supplied.

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**Marine Scotland Intelligence Database**

Surveillance and Enforcement Branch

**Intelligence Report**

**DISSEMINATION**

Notes		
User	Date	Note
[Redacted]	11/11/2019 16:21:52	<p>predator nets are still used in some fish farm sites and are designed to stop seals attacking and killing or damaging salmon . they form a protective barrier to prevent the seals from accessing the inner netting in which the salmon swim. They are not designed to kill seals. Part 6 of the Marine Scotland act states that "Killing, injuring or taking a live seal (intentionally or recklessly) is an offence" and goes on to list certain exemptions.</p> <p>Local officers have not heard of any such incidents . Unless the source comes back with more detailed information. We are unable to further investigate.</p>

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**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] @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] @gov.scot  
**m:** [Redacted]



## RE: To clear: media enquiry - protection for seals

03 February 2021 08:28

Subject	<b>RE: To clear: media enquiry - protection for seals</b>
From	[Redacted]
To	[Redacted] Minister for Rural Affairs and the Natural Environment
Cc	Cabinet Secretary for the Environment, Climate Change and Land Reform; Cabinet Secretary for Rural Economy and Tourism; [Redacted] ); Communications Rural Economy & Environment; [Redacted] MS Marine Licensing; [Redacted] ; MS Communications; [Redacted] [Redacted] ; Palmer MR (Mike); [Redacted] [Redacted] News Desk; McAllan M (Màiri) (Special Adviser); [Redacted]
Sent	02 February 2021 19:12

[Redacted]

### [Minister for Rural Affairs and the Natural Environment](#)

The Scottish Government | Web: [www.gov.scot](http://www.gov.scot)

Tel: [Redacted] | Mobile: [Redacted] | Email: [MinisterRANE@gov.scot](mailto:MinisterRANE@gov.scot)

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Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

**From:** [Redacted] @gov.scot>  
**Sent:** 02 February 2021 17:42  
**To:** Minister for Rural Affairs and the Natural Environment <MinisterRANE@gov.scot>  
**Cc:** Cabinet Secretary for the Environment, Climate Change and Land Reform <CabSecECCLR@gov.scot>; Cabinet Secretary for Rural Economy and Tourism <CabSecRET@gov.scot>; [Redacted]  
[Redacted] ; Communications Rural Economy & Environment <CommunicationsRuralEconomy&Environment@gov.scot>; [Redacted]  
[Redacted]  
[Redacted] MS Marine Licensing <MS.MarineLicensing@gov.scot>; [Redacted]  
[Redacted] MS Communications

<MS.Communications@gov.scot>; [Redacted]  
[Redacted] ; Palmer MR (Mike) <Mike.Palmer@gov.scot>; [Redacted]  
[Redacted]  
[Redacted] News Desk <Newsdesk@gov.scot>; McAllan M (Màiri) (Special Adviser) <Mairi.Mcallan@gov.scot> [Redacted]  
[Redacted]  
**Subject:** To clear: media enquiry - protection for seals

Hi [REDACTED]

We have been approached by the Ferret with a query regarding protection for seals.

Comms, spads and policy are content with the lines below.

Grateful for Mr Macpherson's clearance.

**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.

## **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?

[Redacted]

Scottish Government, St Andrew's House

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

**m:** [Redacted]

**Appendix:**

From: <casehandling.service@gov.scot>

Date: Thu, Apr 1, 2021 at 5:33 PM

Subject: Your recent correspondence with Scottish Government and partner agencies - 202100155371

To: <[salmonfarmingkills@gmail.com](mailto:salmonfarmingkills@gmail.com)>

Please find attached a response to your correspondence.

16 Attachments



**marinescotland**



**Scottish Government**  
Riaghaltas na h-Alba  
gov.scot

T : We are working from home due to Covid-19 so please contact us by email  
E : ms.bod@gov.scot

Don Staniford  
Scottish Salmon Watch  
[salmonfarmingkills@gmail.com](mailto:salmonfarmingkills@gmail.com)

Your ref: 202100155371

Our ref: Illegal killing of seals & breaches of Seal Licences by salmon farms since 1 January 2018  
1 April 2021

Dear Don Staniford ,

**REQUEST UNDER THE ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS  
2004 (EIRs)**

Thank you for your request made by email dated 11 February 2021.

Your request

You asked:

“Please provide information on the illegal killing of seals and breaches of Seal Licences by salmon farmers since 1 January 2018.

This new FOI request requests the "Wildlife Crime intelligence held by the Scottish Government" since 1st January 2018 in relation to seals killed by salmon farms. Scottish Salmon Watch has also filed a FOI request with Police Scotland.

In particular, please include any information relating to seals killed by Grieg Seafood in Loch Dunvegan. A Tweet on 8 February 2021 (replying to a Tweet on 18 January 2021) included a photo of a harbour seal with a bullet wound to the head on the shore of Loch Dunvegan:

Marine Laboratory, 375 Victoria Road,  
Aberdeen AB11 9DB  
[www.gov.scot/marinescotland](http://www.gov.scot/marinescotland)



Tweet via: [https://mobile.twitter.com/toms2\\_ann/status/1358778107616985088](https://mobile.twitter.com/toms2_ann/status/1358778107616985088)

FOI-2020-00118346 also included a letter sent by Marine Scotland to Scottish Sea Farms in Shetland dated 14 January 2021 - including:

...

Online in full via <https://donstaniford.typepad.com/files/pdf-55-scottish-sea-farms-outwith-their-licence-14-jan-2021.pdf>

It appears that there may be missing documentation pertaining to this case - either refused or omitted via FOI-2020-00118346.

In any case, this FOI requests information on this case (and any others) up to today's date and may therefore include a reply from Scottish Sea Farms.

Please also include information on "seal licence misdemeanours" even if they were not actioned and resulted only in a verbal warning. Note that the Scottish Government's FOI disclosure on 1 February 2021 (FOI-2020-00118346) included:

...

Online via <https://donstaniford.typepad.com/files/pdf-59-mowi-misdemeanours-will-not-be-actioned-april-2020.pdf>

Finally, please also include any reaction and reference to the reward offered by Animal Concern - as reported by The Ferret earlier this month via: [£5,000 reward offered for information on illegal shooting of seals](#)

In conclusion, please provide information on the illegal killing of seals and breaches of Seal Licences by salmon farmers since 1 January 2018.

If the Scottish Government refuses to provide specific information, please provide generic data on the number of cases reported to Police Scotland's Wildlife Crime Unit and the number of seal licence breaches and "misdemeanours" by salmon farming companies.

Please consider this a FOI request under the relevant FOI and Environmental Information regulations."

#### Response to your request for a review

Within your email dated 11 February 2021, you have also requested a review of parts of a previous environmental information request you made, case reference number 202000118346. I make reference to the following two points in your email:

1. "Please also provide the report to Police Scotland's Wildlife Crime Unit cited in the following email disclosed via FOI-2020-00118346 on 1 February 2021" ... "Scottish Salmon Watch believes this report - and any other correspondence not already disclosed - should have been disclosed via FOI-2020-00118346."

2. "FOI-2020-00118346 also included a letter sent by Marine Scotland to Scottish Sea Farms in



Shetland dated 14 January 2021 – including” ... “It appears that there may be missing documentation pertaining to this case - either refused or omitted via FOI-2020-00118346.”

I can confirm that both of the points above have been handled separately as a review request, carried out by an independent review officer, under case reference number 202100154178. Our review response was provided to you by email on 23 March 2021 and will be published on the Scottish Government web site in due course at the following link: [Publications - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications)

#### Response to your request for information

As the information you have requested is ‘environmental information’ for the purposes of the Environmental Information (Scotland) Regulations 2004 (EIRs), we are required to deal with your request under those Regulations. We are applying the exemption at section 39 (2) of the Freedom of Information (Scotland) Act 2002 (FOISA), so that we do not also have to deal with your request under FOISA.

This exemption is subject to the ‘public interest test’. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption, because there is no public interest in dealing with the same request under two different regimes. This is essentially a technical point and has no material effect on the outcome of your request.

#### **1. Please provide information on the illegal killing of seals and breaches of Seal Licences by salmon farmers since 1 January 2018.**

a. While our aim is to provide information whenever possible, in this instance the Scottish Government does not hold any information on seals killed illegally between 1 January 2018 and 11 February 2021 inclusive. Therefore we are refusing part of your request under the exception at regulation 10(4)(a) of the EIRs. The reason why that exception applies is explained in the Annex to this letter.

b. Please find a table below providing the information you have requested regarding breaches of Seal Licences by salmon farmers between 1 January 2018 and 11 February 2021 inclusive:

	Late Q1 Reports – Licence condition 5	Late Q2 Reports – Licence condition 5	Late Q3 Reports – Licence condition 5	Late Q4 Reports – Licence condition 5	Late 48 Reports – Licence condition 4
01 Jan 2018 to 11 Feb 2021	10	1	10	11	32

The Licences relevant to this request are those that authorise the killing of seals to prevent serious damage to fisheries or fish farms in Scotland. Within the date period specified by you, Marine Scotland (MS) hold information about only two licence conditions that have been breached by various salmon farms. The table above provides the number of breaches of each of the two licence conditions detailed below:

(i) Licence condition 4 - The Licensee must report any killings, and takings, of seals to the Licensing

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Authority within 48 hours of the seal being killed or, as the case may be, taken.

(ii) Licence condition 5 - The Licensee must submit a quarterly report to the Licensing Authority within 10 days of the end of each quarterly period (the terms "quarterly report" and "quarterly period" have the meanings given in section 113(2) and (3) of the Act, respectively) . If no seals have been killed a nil return must be submitted.

**2. This new FOI request requests the "Wildlife Crime intelligence held by the Scottish Government" since 1st January 2018 in relation to seals killed by salmon farms.**

**If the Scottish Government refuses to provide specific information, please provide generic data on the number of cases reported to Police Scotland's Wildlife Crime Unit and the number of seal licence breaches and "misdemeanours" by salmon farming companies.**

I enclose a copy of some of the information you requested.

a. Some of the information (a copy of Marine Scotland Intelligence Report (MSIR) # 3005055) has already been released to you in our review response issued to you on 23 March 2021 under case reference number 202100154178. Under regulation 6(1)(b) of the EIRs, we do not have to give you information which is already publicly available and easily accessible to you in another form or format.

b. Copies of 13 redacted Marine Scotland Intelligence Reports within the scope of this request have been provided to you. While our aim is to provide information whenever possible, in this instance we are unable to provide some of the information you have requested because an exception under regulation 11(2) (personal information of a third party) of the EIRs applies to that information. The reason why that exception applies is explained in the Annex to this letter.

Of the total 14 Marine Scotland Intelligence Reports provided to you to date: (i) 5 have been passed to Police Scotland, and (ii) 2 have been passed to the National Wildlife Crime Unit.

MSIR 3004074 - Police Scotland  
MSIR 3004110 - Police Scotland  
MSIR 3004123 - Police Scotland  
MSIR 3004491 - National Wildlife Crime Unit  
MSIR 3004783 - Police Scotland  
MSIR 3005055 - Police Scotland and National Wildlife Crime unit

c. the number of seal licence breaches, which would include any "misdemeanours" by salmon farming companies, has been provided to you under point 1b of our response above.

**3. In particular, please include any information relating to seals killed by Grieg Seafood in Loch Dunvegan.**

While our aim is to provide information whenever possible, in this instance the Scottish Government does not have the information you have requested. Therefore we are refusing your request under the exception at regulation 10(4)(a) of the EIRs. The reasons why that exception applies are explained in the Annex to this letter.

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**4. FOI-202000118346 also included a letter sent by Marine Scotland to Scottish Sea Farms in Shetland dated 14 January 2021 and so our response may therefore include a reply from Scottish Sea Farms.**

This point has already been dealt with in our response to you under case reference 202100154178 dated 23 March 2021. This case was a review requested by you on 10 February 2021 – a review of our response to a previous environmental information request provided to you dated 1 February 2021 under case reference 202000118346. Our response will be published on the Scottish Government web site in due course at the following link: [Publications - gov.scot \(www.gov.scot\)](https://www.gov.scot/Publications-2021-03-23-14-17-18).

**5. Please also include information on "seal licence misdemeanours" even if they were not actioned and resulted only in a verbal warning.**

Any "misdemeanour" would be a breach of seal licence and so this has been covered by point 1b of our response above.

**6. Finally, please also include any reaction and reference to the reward offered by Animal Concern - as reported by The Ferret earlier this month via: [£5,000 reward offered for information on illegal shooting of seals](#)**

I enclose a copy of some of the information you requested. While our aim is to provide information whenever possible, in this instance we are unable to provide some of the information you have requested because exceptions under regulation 11(2) (personal information of a third party) and regulation 10(4)(e) (internal communications) of the EIRs applies to that information. The reasons why these exceptions apply are explained in the Annex to this letter.

### Your right to request a review

If you are unhappy with this response to your EIRs request, you may ask us to carry out an internal review of the response, by writing to The Director of Marine Scotland, Area 1B South, Victoria Quay, The Shore, Edinburgh, EH6 6QQ or by emailing: [Directormarinescotland@gov.scot](mailto:Directormarinescotland@gov.scot).

Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.asp>

## **ANNEX**

### **REASONS FOR NOT PROVIDING INFORMATION**

#### The Scottish Government does not have the information

Under the terms of the exception at regulation 10(4)(a) of the EIRs (information not held), the Scottish Government is not required to provide information which it does not have. The Scottish Government

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does not have the information you have requested because we do not hold any information on the following points:

- (i) seals killed by Grieg Seafood in Loch Dunvegan.
- (ii) seals killed illegally or unreported since 1 January 2018.

This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception.

While we recognise that there may be some public interest in information we hold relating to the two points listed above, clearly we cannot provide information which we do not hold.

Exceptions apply

**An exception under regulation 11(2) (personal information of a third party) of the EIRs applies to some of the information you have requested.**

Regulation 11(2) – To the extent that environmental information requested includes personal data of which the applicant is not the data subject and in relation to which either the first or second condition set out in paragraphs (3) and (4) is satisfied, a Scottish public authority shall not make the personal data available.

An exception under regulation 11(2) of the EIRs (personal information of a third party) applies to some of the information requested because it is personal data of a third party and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018.

This exception is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exception.

**An exception under regulation 10(4)(e) (internal communications) of the EIRs applies to some of the information you have requested.**

An exception under regulation 10(4)(e) of the EIRs (internal communications) applies to some of the information you have requested because it is internal communication about press lines.

This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in allowing a private space within which officials can provide free and frank advice and views to Ministers in press lines.

It is clearly in the public interest that Ministers can properly answer Parliamentary questions, provide sound information to Parliament (to which they are accountable), and robustly defend the Government's policies and decisions. They need full and candid advice from officials to enable them to do so. Premature disclosure of this type of information could lead to a reduction in the

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comprehensiveness and frankness of such advice and views in the future, which would not be in the public interest.

Yours sincerely

Business and Operational Delivery Section  
**Marine Scotland Licensing Operations Team**

From: **Don Staniford** <[salmonfarmingkills@gmail.com](mailto:salmonfarmingkills@gmail.com)>

Date: Thu, Feb 11, 2021 at 8:02 PM

Subject: FOI re. illegal killing of seals & breaches of Seal Licences by salmon farms since 1 January 2018

To: <[ceu@scotland.gsi.gov.uk](mailto:ceu@scotland.gsi.gov.uk)>

Please provide information on the illegal killing of seals and breaches of Seal Licences by salmon farmers since 1 January 2018.

Please note that FOI-2020-00118346 replied to by the Scottish Government on 1 February 2021 disclosed some information but refused other information stating:

3. While our aim is to provide information whenever possible, in this instance the Scottish Government does not hold any information on seals killed illegally or unreported since 1 January 2020.

Therefore we are refusing part of your request under the exception at regulation 10(4)(a) of the EIRs. The reason why that exception applies is explained in the Annex to this letter.

4. While our aim is to provide information whenever possible, in this instance we are unable to provide some of the information you have requested because exceptions under regulations 10(5)(b) (The course of justice, etc.) and 11(2) (Personal information of a third party) of the EIRs apply to that information. The reason why these exceptions apply is explained in the Annex to this letter.

## **ANNEX**

### **REASONS FOR NOT PROVIDING INFORMATION**

#### The Scottish Government does not have the information

Under the terms of the exception at regulation 10(4)(a) of the EIRs (information not held), the Scottish Government is not required to provide information which it does not have. The Scottish Government does not have the information you have requested because we do not hold any information on seals killed illegally or unreported from 1 January 2020 to 2 December 2020 inclusive.

This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception. While we recognise that there may be some public interest in information about seals killed illegally or unreported, clearly we cannot provide information which we do not hold.

#### Exceptions apply

#### **An exception under regulation 10(5)(b) (the course of justice, etc) of the EIRs applies to some of the information you have requested.**

This exception applies as release of this information would, or would be likely to, cause substantial prejudice to our operational and law enforcement capabilities.

This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception.

We recognise that there is some public interest in release because there may be some public interest in Wildlife Crime intelligence held by the Scottish Government. However, this is outweighed by the public interest in not releasing such information which could potentially allow people to examine and analyse our methods and mechanisms of operating and try and identify ways to circumvent them or

otherwise thwart our activity.

Online in full via [Letter from the Scottish Government to Scottish Salmon Watch dated 1 February 2021 \(FOI-202000118346\)](#)

This new FOI request requests the "Wildlife Crime intelligence held by the Scottish Government" since 1st January 2018 in relation to seals killed by salmon farms. Scottish Salmon Watch has also filed a FOI request with Police Scotland.

In particular, please include any information relating to seals killed by Grieg Seafood in Loch Dunvegan. A Tweet on 8 February 2021 (replying to a Tweet on 18 January 2021) included a photo of a harbour seal with a bullet wound to the head on the shore of Loch Dunvegan:



Tweet via: [https://mobile.twitter.com/toms2\\_ann/status/1358778107616985088](https://mobile.twitter.com/toms2_ann/status/1358778107616985088)

Please also provide the report to Police Scotland's Wildlife Crime Unit cited in the following email disclosed via FOI-2020-00118346 on 1 February 2021:

**From:** [Redacted]  
**Sent:** 03 February 2020 15:32  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** Seal shot at Poolewe  
**Attachments:** RE: Seal shot at Poolewe 22nd January; Re: Seal shot at Poolewe 22nd January; Seal shot at Poolewe 22nd January

Hi [Redacted]

As discussed regarding the seal shot at Poolewe – MSLOT have advised that this was not carried out under the seal licence and should be reported to the police wildlife crime unit. MS LOT have also said for recording purposes it should be entered into MSIR which you said you were happy to do.

I've attached the two emails that [Redacted] sent to the SSPCA (the fish farm are also copied into the email), the most recent email today includes photos of a wound on the rear flipper. I've also included the email from [Redacted] (MS LOT) to say this case is to be forwarded on to the police.

I've cc'd [Redacted] who I contacted to see if this was something reported to MS LOT at the time – from the sounds of it, there was a phone call made to LOT to ask if shooting the seal would count towards their seal licence, but were told it would not if it was a shooting for alleviating suffering [Redacted] – please correct this if I misunderstood what you said on Friday.

I will contact [Redacted] and ask him to forward any response he receives to the emails he has sent and for him to not engage further as this is being dealt with.

Best wishes  
[Redacted]

Marine Conservation | Marine Planning and Policy  
Scottish Government | Area GB North | Victoria Quay | Edinburgh | EH6 6QQ

T: [Redacted]  
M: [Redacted]  
E: [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)  
W: <http://www.gov.scot/Topics/marine>

Online via <https://donstaniford.typepad.com/files/pdf-44-police-scotland-wildlife-crime-unit-mowi-loch-ewe-seal-killed-without-licence.pdf>

Scottish Salmon Watch believes this report - and any other correspondence not already disclosed - should have been disclosed via FOI-2020-00118346.

FOI-2020-00118346 also included a letter sent by Marine Scotland to Scottish Sea Farms in Shetland dated 14 January 2021 - including:

marinescotland

T:[Redacted]  
[Redacted]@gov.scot

F:[Redacted]



[Redacted]

**Scottish Seafarms Ltd  
Blackness Pier  
Scalloway Harbour  
Shetland  
ZE1 0TQ**

Our ref: S08/2020/W

Thursday, 14 January 2021

Dear [Redacted]

**ADVICE:- Marine (Scotland) Act 2010 Conservation of Seals  
Licensed authorisation of the killing of seals**

Why we have written to you

Marine Scotland has established that your company has acted outwith the conditions of your Seal Licence issued under the above Act, namely Licence No. (S08/2020/W)

*[The conditions clearly state that the Licensee must report any killings, and takings, of seals to the Licensing Authority within 48 hours of the seal being killed, or as the case may be, taken.] or*

*[The licence clearly authorises a maximum of (12) grey seals and (1) harbour seals may be killed under its authority]*

Online in full via <https://donstaniford.typepad.com/files/pdf-55-scottish-sea-farms-outwith-their-licence-14-jan-2021.pdf>

It appears that there may be missing documentation pertaining to this case - either refused or omitted via FOI-2020-00118346.

In any case, this FOI requests information on this case (and any others) up to today's date and may therefore include a reply from Scottish Sea Farms.

Please also include information on "seal licence misdemeanours" even if they were not actioned and resulted only in a verbal warning. Note that the Scottish Government's FOI disclosure on 1 February 2021 (FOI-2020-00118346) included:

From: [Redacted] @gov.scot>  
Sent: 29 April 2020 09:58  
To: [Redacted] @gov.scot>  
Cc: [Redacted] @gov.scot>; [Redacted] @gov.scot>  
Subject: RE: SW07/2020/W - Return logged outside of 48hrs - MS LOT to Compliance - 29 April 2020

Morning [Redacted]

Just north of Carradale. No I have never heard of a recovery! I think I these instances we have contacted the responsible person and verbally reminded them of the requirements. I think that is what will be required on this occasion. We will need the details of the Company. Perhaps [Redacted] can direct us to where the licence copies are held or provide the contact details.

[Redacted]

From: [Redacted] @gov.scot>  
Sent: 29 April 2020 09:27  
To: [Redacted] @gov.scot>  
Subject: SW07/2020/W - Return logged outside of 48hrs - MS LOT to Compliance - 29 April 2020  
Importance: High

[Redacted]  
Hi

I hope you are safe and well, I appreciate that during this time these seal licence misdemeanours will not be actioned, but to ensure they are noted I'm continuing to send them to you.

This one is several hours outside the 48 reporting requirement.

Online via <https://donstaniford.typepad.com/files/pdf-59-mowi-misdemeanours-will-not-be-actioned-april-2020.pdf>

Finally, please also include any reaction and reference to the reward offered by Animal Concern - as reported by The Ferret earlier this month via: [£5,000 reward offered for information on illegal shooting of seals](#)

In conclusion, please provide information on the illegal killing of seals and breaches of Seal Licences by salmon farmers since 1 January 2018.

If the Scottish Government refuses to provide specific information, please provide generic data on the number of cases reported to Police Scotland's Wildlife Crime Unit and the number of seal licence breaches and "misdemeanours" by salmon farming companies.

Please consider this a FOI request under the relevant FOI and Environmental Information regulations.

Please provide a receipt.

Please provide the information electronically.

Thanks,

Don Staniford

Director, Scottish Salmon Watch