

INITIAL RESPONSE BY PHONE -  
PUBLICATION SCHEDULE ON HOLD, AUDIT  
PROGRAMME SUSPENDED. MARK WOODS  
CONSULT & INITIAL RESPONSE.  
Charles All 9/4/10

Ref: LDL/Other Companies/FRS/PurvisMar10.doc

30<sup>th</sup> March 2010

Neil Purvis  
Fish Health Inspectorate Policy Manager  
Marine Scotland  
PO Box 101  
375 Victoria Road  
Aberdeen  
AB11 9DB

Dear Neil,

**Re. Aquaculture and Fisheries (Scotland) Act 2007 – Publications of audit findings**

Loch Duart Ltd does not agree to its audits being placed on the website as proposed by Marine Scotland. It has already been demonstrated by the audits done that Marine Scotland is using arbitrary areas and picking up petty points as non-compliances. The reports also contain glaring inaccuracies and are misinformed.

Whilst we understand that government may intend to publish such information, it is suggested that each report be discussed with each company before it is put on the website. When both parties agree that the report is accurate then it could be posted. Inaccurate critical reports could destroy a company or its business and in such a case, what would the legal position be? We require a full and frank response to how a company might achieve financial redress before this proposal is brought to fruition.

We believe that it is one of the fundamental human rights that government be accountable for its actions and certainly financially accountable where impact on business and employment are concerned.

Yours sincerely  
For and on Behalf of Loch Duart Ltd.

  
  
Director (Sutherland)

*"Reared with respect.  
Nurtured in the clean and clear waters  
off the coast of Sutherland."*

Badcall Salmon House, Scourie,  
Sutherland IV27 4TH  
t: 01971 502451 f: 01971 502208  
website: www.lochduart.com

Carpow House, Newburgh, Fife KY14 6EN  
t: 01738 850769 f: 01738 850494  
email: alan.baifour@lochduart.com

Loch Duart Ltd. Reg. 195823



International Business Awards



Winner "Best New Exporter"  
International Business Awards 2001



Dear [REDACTED]

**Re. Aquaculture and Fisheries (Scotland) Act 2007 – Publications of audit findings**

Many thanks for your letter, to which Charles Allan provided an initial response by telephone. He advised you that the publication scheme was on hold and our audit programme conducted under the Aquaculture and Fisheries (Scotland) Act 2007 (the 2007 Act) is currently suspended. In conversation with Charles, I believe that you were content with that initial response.

I apologise for the time that has passed since your letter was received and an initial response given. However, I wanted to wait for the results of some discussions before providing you with further information.

You may be aware that Marine Scotland Science is currently conducting a review of the work which is carried out under the 2007 Act. Part of that review has resulted in the change in terminology used for some of our work, 'audits' will now be referred to as 'enhanced inspections'. Whilst it is not envisaged that the work we do will significantly change, the term enhanced inspection is considered a better reflection of our operations under the 2007 Act.

The review process will include:-

- Scrutiny of all reports issued under the 2007 Act, which require further action, recommendations or points of non-compliance to be addressed. Where any inaccuracies occur reports will be withdrawn and revisions issued where appropriate
- Revision of the guidance notes issued to the fish health inspectorate
- Revision and development of the risk based approach to targeting sites for enhanced inspection
- Ranking the points which we measure and report against with reference to severity of non-compliance
- Review of our publication plans

As you are aware, the Freedom of Information (Scotland) Act 2002 (the 2002 Act) and the Environmental Information (Scotland) Regulations 2004 (the 2004 Regulations) make it a legal requirement for public authorities to provide information if requested to do so by third parties. There are some exceptions and exemptions to releasing certain pieces of information, for example personal information, but in general, there is a requirement to make information available and public authorities are encouraged to be proactive in terms of information release.

The Fish Health Inspectorate has received numerous FOI requests since the legislation was introduced, both under the 2002 Act and the 2004 Regulations. Dealing with such requests is often very resource intensive. Our aim behind the active publication of information was to reduce the burden of these requests on the Fish Health Inspectorate and Marine Scotland.

I note in your letter the suggestion of discussing reports with companies prior to any publication. I think this would be beneficial in confirming the accuracy of any reports issued as well as bringing any requirement to the fore front of the farmers mind. It may also be used to clear minor non-compliances prior to an inspector leaving site. This suggestion is worthy of further discussion during our review process and I will ensure that this is raised for consideration.

Yours sincerely

Neil Purvis  
Fish Health Inspectorate Policy Manager