marine scotland

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MARINE (SCOTLAND) ACT 2010: PART 6 – CONSERVATION OF SEALS

Seal Licence
Licence authorising the killing of seals to protect the health and welfare of farmed fish in Scotland

Licence Number: WS23/2020/W

The Scottish Ministers (hereafter referred to as "the Licensing Authority"), in exercise of the powers conferred on them by sections 110(1)(f) and 112 of the Marine (Scotland) Act 2010 (hereafter referred to as "the Act"), and in accordance with section 116(1) of the Act following consultation with the Natural Environment Research Council, hereby license:
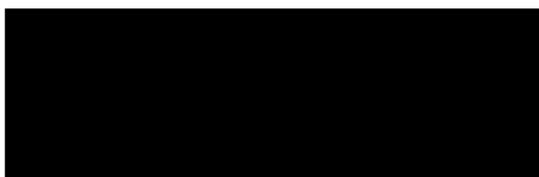
Grieg Seafood Shetland Ltd (hereafter referred to as "the Licensee")

to kill and take seals for the purpose of protecting the health and welfare of farmed fish at certain fish farm sites in Scotland.

The licence is valid from **01 February 2020** until **31 January 2021.**

The licence is subject to conditions.

Signed:

For and on behalf of the Licensing Authority

Date: 31 January 2020

LICENCE CONDITIONS

1. A maximum of **2** grey seals and **1** harbour seal may be killed under the authority of this licence.

2. The licence authorises the killing of seals for the purpose of the protection of the health and welfare of farmed fish only by the use of a firearm by a nominated marksman. Nominated marksmen are named, and their firearm certificate numbers and the issuing authority of such certificates are given, in Annex A.

3. The licence only authorises the shooting of seals in waters within 150 metres of those fish farms which are specified in Annex B.

4. 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.

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.

6. The only means by which seals may be killed under this licence is by the use of a rifle, using ammunition with a muzzle energy of not less than 600 foot pounds and a bullet weighing not less than 45 grains.

7. The Licensee must ensure that any nominated marksman is in possession of a current firearm certificate for the rifle that is proposed for use and valid for the purpose and the area in respect of which this licence applies before any seals may be killed and taken under this licence.

8. The Licensee must provide a copy of this licence to all nominated marksmen before they may commence activity under the authority of this licence.

9. The Licensee must ensure that the nominated marksmen does not shoot more than the maximum number of each species of seal given in condition one of this licence.

10. The Licensee must ensure that any nominated marksman, when acting under this licence, takes all reasonable steps to take away any suffering of injured seals, by locating and humanely killing such animals as soon as possible, and without delay, following their being injured.

11. The licence only authorises the shooting of seals in suitable weather conditions which is when there is sufficient visibility and sea conditions are such as to allow a clear shot in the opinion of the nominated marksman on a reasonable assessment.

12. The licence only authorises the shooting of seals when nominated marksmen, acting under this licence, are within a range of no more than 150 metres of the seal being shot.

13. This licence does not authorise the shooting of seals by a nominated marksman when such person is present upon anything which might, in the opinion of the nominated marksman and Licensee, on a reasonable assessment, be considered an unstable platform.

14. The Licensee must, provided that it is safe to do so, ensure that all reasonable steps are taken to recover the carcasses of seals. This includes searching a reasonable area of coastline for carcasses within the days immediately following their killing for the purpose of their recovery.

15. The licensee must produce this licence on demand to a police constable, Marine Scotland Marine Enforcement Officer, any person authorised by the Licensing Authority, or any occupier of land whom the Licensing Authority have, under section 121 of the Act, granted authority to the Licensee to enter upon for the purpose of killing seals under this licence.

16. The Licensee must ensure that the Scottish Seal Management Code of Practice is adhered to at all times.

17. The licence does not authorise the shooting of seals when they are on land.

18. The licence does not authorise the shooting of any seals at a fish farm during any period when the fish farm as listed in Annex B is not stocked with aquaculture animals.

19. In the event that this licence is revoked then the Licensee must surrender the licence to the Licensing Authority without delay.

> **Failure to comply with a licence condition is an offence under the Marine (Scotland) Act 2010 Part 6 Section 112 (5).**
>
> **It is a defence for the person charged to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.**

Notes

A. Nothing in this licence may be taken to absolve the Licensee from compliance with any Act of Parliament (including any Act of the Scottish Parliament), Rules or Regulations, Orders or byelaws relating to the use and/or possession of firearms.

B. This licence does not confer any authority to enter land for the purposes authorised by the licence.

C. The licence may be revoked at any time by written notice sent by post to the Licensee at the address given by him in the application for the licence or delivered personally to the licensee by an officer of Marine Scotland in which case the licence must immediately be surrendered to the Licensing Authority.

Annex A
Nominated Marksman

█████████

Issued by Police Scotland

█████████

Issued by Police Scotland

ANNEX B
Fish Farms in respect of which this Licence relates

FS1287 Corlarach
FS1175 Gob na Hoe
FS0800 Leinish
FS1309 Snizort
FS0881 Uig Bay