



TAY DISTRICT SALMON FISHERIES BOARD

Triennial election policy

The election of members from qualified proprietors and co-options to TDSFB is governed by statute [legal requirements] and TDSFB recommendations for good practice [not specified in the legislation].

The statutory requirements are set out in Part 3 and Schedule 2 of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003, as amended by the Aquaculture and Fisheries (Scotland) Act 2013.

This policy was adopted by the Board on 26 October 2021.

Election of committee (Tay District Salmon Fisheries Board) to represent an association of Proprietors of Salmon Fisheries

On the expiry of a period of three years from the date of the last meeting of proprietors which elected members the Clerk will arrange a Triennial Election of representatives for proprietors. At the meeting the Convener together with the outgoing committee will resign and the Clerk will conduct the election of representatives of proprietors.

Upper and Lower Qualified Proprietors

A qualified proprietor is a proprietor of a salmon fishery entered in the valuation role. Lower Proprietors are defined as below Perth Bridge on the Tay; on the river Earn as below the old railway bridge. A person who is both an Upper proprietor and a Lower proprietor can act in either capacity or in both capacities. A qualified proprietor is not eligible for election for more than one salmon fishery.

Size of committee (number of proprietor representatives)

The Clerk will advise proprietors of the committee numbers, as prescribed by the outgoing committee.

Mandatories

A qualified proprietor or an elected member or convener may at any time authorise a person to act on their behalf as a Mandatory. A mandatory can be elected as a representative of qualified proprietors or as convener. A person may not authorise another to act as a co-opted member nor can a mandatory be co-opted. [Qualified proprietors and Mandatories are not eligible for co-option. Once nominated as a Mandatory that person is not subsequently eligible for co-option.]

Voting by proxy

Qualified proprietors can apply to the Clerk to vote by proxy. The Clerk will advise about procedure.

Voting

When the number of candidates seeking election is greater than the number prescribed by the outgoing committee the Clerk will administer a vote. The administration and counting of the vote will be verified by an independent person.

A qualified proprietor can vote on each fishery entered on the Valuation Roll. Number of votes available to a qualified proprietor is dependent on rateable value listed on the Valuation role:

1 vote for RV to £5,000

2 votes for RV £5,001 to £10,000

3 votes for RV £10,001 to £15,000

4 votes for RV above £15,000

The maximum votes per fishery is 4 votes.

Candidates gaining the most votes will be elected. Proprietors with more than one vote may use those votes across a number of candidates. When candidate votes are equal to fill a single vacancy, the Clerk will administer a further election between the candidates who have tied.

Announcement of election outcome

The Clerk will announce the outcome of the election immediately after all the votes are in including the number of votes cast for each candidate. Votes cast by individual proprietors will not be disclosed.

Formation and meeting of new proprietor representatives

Within 21 days of the announcement [above] the first meeting of the new committee will be held, chaired by an interim Convener chosen by the committee. At this meeting the committee will decide on the number of co-options to make from representatives of salmon anglers and tenant nets men. The maximum number of co-options must be one less than the total number of elected proprietors/mandatories. Appointments of co-options will be based on analysis of a skills matrix tool and by majority vote.

Election of Convener and invitations to observers

As soon as possible after the first meeting of new proprietor representatives the Clerk will call a meeting of the full committee, including co-opted members. The Clerk will administer a vote by simple majority to appoint a Convener who must be either a proprietor or mandatory. Proprietors, mandatories and co-opted members all have one vote each. The vote will be in any form that the Clerk prescribes. At this meeting the new committee should consider inviting representation – Invitees from other related/interested parties in a non-voting capacity as observers. For example, local fisheries interests, Local Authority, National Park Authority, NatureScot, SEPA.

Censure and suspension

Elected proprietors, mandatories and co-opted members must abide by the principles stated within TDSFB Personal Declaration and the FMS Code of Good Conduct. If following due deliberation, the majority of committee find a member to have breached the Code of Conduct the TDSFB policy on misconduct can be applied – sanctions can involve censure and suspension from committee activity. Proprietors and mandatories will be suspended from committee activity when their fishery assessment are in arrears by more than three months from the date of issue of assessment notice.

JS Oct 2021