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## NESS DISTRICT SALMON FISHERY BOARD TRIENNIAL ELECTION MINUTES

**Time:** 16:40

**Date:** 15 September 2016

**Location:** Telford Board Room, Inverness Caledonian Thistle Football Club

**Present:**

Michael Martin: Dochfour, Mandate (MM) *Chair*  
Alexander Patience: Netsman, Co Option (AP)  
Annie Girvan: River Moriston, Mandate (AG)  
Cllr Ken Gowans: Highland Council, Mandate (KG)  
David Sutherland: Ness Castle, Proprietor (DS)  
Graham MacKenzie: Co-Option (GM)  
Neil Cameron: Ness & Beaully Fisheries Trust (NBFT), Co-option (NC)  
Ryan Rutherford: Ness Side, Mandate (RR)  
Bob Morgan: River Gary, Mandate/Alternate (BM)

**In Attendance:**

Alastair Stephen: SSE (ASt)  
April Conroy: Board Secretary  
Chris Conroy: Chief Executive/Clerk (CC)  
John MacColl: Head Bailiff (JM)  
Nick Barker: N&BFT, (NB)

**Observing:**

Gordon Armstrong: Ness Castle Fishery Manager

**Apologies:**

Eric Craig: Angling Club, Co Option (EC)  
Andrew Duncan: Ness Castle, Mandate (AD)  
Angus MacGruer: River Oich, Mandate (AM)  
Ben Leyshon: Scottish Natural Heritage (BL)

### 1. INTRODUCTION

The Clerk, Chris Conroy (CC) formally introduced the meeting of qualified proprietors in the Ness District Salmon Fishery Board area for the purpose of electing or re-electing members of the Board. He confirmed the attendance is as present for the previous board meeting and that the attendance sheet is still valid as no one has left or joined the room.

CC noted that the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 states that the triennial elections shall be held before the expiry of a period of three years from the first election of the members of the Board and that the last triennial elections were held at the Inverness Caledonian Thistle Football Club on 19 September 2013.

## 2. RESIGNATION OF EXISTING BOARD

CC thanked the outgoing board members for all their efforts during the past 3 years and explained that in order for the elections to proceed, the existing board must first resign. All Board Members present offered their resignation.

## 3. BACKGROUND TO ELECTION PROCESS

### Upper and Lower Proprietor representation explained

CC explained that the 2003 Act states that a qualified proprietor is a proprietor of a salmon fishery entered into the valuation roll, or their mandatory. Representatives of qualified proprietors shall be elected by the upper proprietors from amongst themselves and the lower proprietors from amongst themselves.

### Upper and Lower demarcation explained

CC advised that clarification had been sought on the demarcation point separating upper and lower proprietors on the Ness system and that this is defined in Schedule A of the Salmon Fisheries (Scotland) Act 1868 as follows:

*'That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a straight Line drawn at Right Angles with the River, at the lowest Point of the Island.'*

CC explained that this has been taken to mean that the demarcation falls at the downstream point of Ness Island. The proprietors of fisheries falling on or below this point have been classed as lower and those above as upper.

### Total number of places on the Board confirmed

CC noted that it is recommended for practical reasons that the number of upper and lower proprietors should be limited. He confirmed that this was discussed at the last board meeting and that it was decided that the appropriate number of representatives of qualified upper proprietors should be **six**, and that of lower proprietors should be **two**.

## 4. PRESENTATION OF NOMINATIONS

### Representatives of qualified proprietors nominated

CC named the proposed nominees for election as representatives of qualified proprietors for the Ness District as follows:

**Upper Proprietors**      David Sutherland (Ness Castle)  
                                 Michael Martin (Dochfour)  
                                 Ryan Rutherford (Ness-side)  
                                 Angus McGruar (River Oich)  
                                 Annie Girvan (River Moriston)  
                                 Robert Morgan (River Garry)

**Lower Proprietors**      Councillor Ken Gowns (Highland Council)

CC asked if there were any further nominations for consideration. No further nominations were put forward.

## 5. ELECTION OF REPRESENTATIVES OF UPPER CATCHMENT PROPRIETORS

CC confirmed that there were **six** qualified upper proprietors (or mandatories thereof) present in the room and that according current records hold between them a total of **fourteen** votes. Specifically, this included:

Name	Fishery	No. Votes under £5000	No. Votes over £5000	Total Number Votes
David Sutherland	Ness Castle, River Ness	1	1	2
	Laggan, River Ness	1	0	1
Annie Girvan	Glenmoriston Estate, Loch Ness	1	0	1
	Glenmoriston lodge, Loch Ness	1	0	1
	Glenmoriston Hotel, Loch Ness	1	0	1
	Glenmoriston Estate, River Moriston	1	0	1
Bob Morgan	River Garry & Loch Oich	1	0	1
Michael Martin	Dochfour, River Ness	1	2	3
	Dochfour, Loch Dochfour	1	0	1
Ryan Rutherford	Holm & Ness-side, River Ness	1	1	2
<b>Total</b>				<b>14</b>

CC confirmed that there were sufficient votes in the room to elect all six candidates. He explained that it was possible to vote the candidates in one-by-one, or all at once if qualified proprietors collectively and unanimously wished to vote in favour of all of the proposed nominees.

CC asked all of the qualified upper proprietors present whether they collectively and unanimously vote in favour of all the proposed nominees. All qualified upper proprietors present agreed. As the decision was unanimous, CC confirmed that each of the nominees for representatives of qualified upper proprietors were duly elected.

This was proposed by AG and seconded by RR.

## 6. ELECTION OF REPRESENTATIVES OF LOWER CATCHMENT PROPRIETORS

CC confirmed that there was only **one** qualified lower proprietor (or mandatory thereof) present in the room that according to our records holds a total of **three** votes. That was Councillor Ken Gowens the mandatory for the Highland Council Town Water Fishery.

CC asked whether this lower proprietor wished to vote in favour of themselves. KG confirmed he would like to vote in favour of himself. KG was duly elected as the representative of qualified lower proprietors on the Ness District Salmon Fishery Board.

## 7. CONVENE INAUGRAL MEETING OF THE NEW BOARD

CC confirmed that the next step was for the elected representatives to co-opt representatives of salmon anglers and tenant netsman, after which, both shall elect a chairman from the representatives of qualified proprietors.

CC advised that the 2003 Act states that *'the first meeting of the Board must be held at a date, time and place determined by the newly elected members and no later than 21 days after the election'* and that this was to allow the elected representative's time to consult organisations representing salmon anglers and tenant netmen in the district as they think fit.

CC confirmed that the majority of the elected representatives were present and that wider consultation had already taken place. This had resulted in a shortlist of candidates for co-option, with the majority present at the meeting.

CC recommended that the newly elected representatives might therefore convene their first Board Meeting at this time, whilst they were all present, or alternatively reconvene within 21 days.

This was proposed by AG and seconded by KG.

The elected representatives and proposed co-optees agreed to proceed with the inaugural meeting of the board immediately.

With there being no further business to discuss THE MEETING CLOSED AT 17:01.