

Agenda Item	8
Report No	N/5/17

## HIGHLAND COUNCIL

**Committee:** Nairnshire Committee

**Date:** 23 June 2017

**Report Title** River Nairn Fishings

**Report By:** Head of Corporate Governance

### 1. Purpose/Executive Summary

1.1 To update Members on the outcome of further investigation undertaken into the ownership and legal status of the River Nairn fishings.

### 2. Recommendations

2.1 Members are asked to:

- i. Note that further enquiry has established that the fishings on the River Nairn fall to be considered as part of the Nairn Common Good Fund.
- ii. Agree that the fishings on the River Nairn are administered as part of the Nairn Common Good Fund.

### **3. Background**

- 3.1 At their meeting on 20 February members considered and discussed a report advising upon the outcome, to date, of the investigation that had been undertaken in to the legal status and ownership of the fishings on the River Nairn. The report identified that the fishings were made up of two titles, one stretching from the Howford Bridge to the Estuary and the second that encompassed the fishings from the Howford Bridge to a point 460 feet north of the Victoria Seaman's Hall.
- 3.2 The report advised that in 1976 the former Nairn District Council had accepted delivery of the 1933 Disposition in favour of the Committee of Riparian Proprietors which formed the fishings from Howford Bridge to the Estuary. At that time the District Council had agreed to accept the responsibilities of the said Committee but no title was granted in favour of the District Council. As the Committee is no longer in existence it was agreed that the Highland Council would write to the Crown, as *ultimus haeres*, to request that consideration be given to granting the Council a title.
- 3.3 There was no dubiety as to ownership of the second part of the fishings namely those stretching from Howford Bridge to a point north of Victoria Seaman's hall. These subjects had been acquired by the Provost, Magistrates and Councillors of the Burgh of Nairn in 1923. There was however uncertainty as to the status of the fishings and if these subjects formed part of Nairn Common Good. Investigation of various contemporaneous minutes proved inconclusive and members agreed that an expert Opinion be sought.

### **4. Further Enquiry**

- 4.1 Prior to instruction of the expert Opinion further research was undertaken with the Archive Centre, Inverness. In particular, enquiry was made of the various Abstracts of Accounts of the former Nairn Burgh Council. These further enquiries have disclosed that the fishings were acquired in 1923 by the Common Good Fund. Further enquiry has established that the rental payments received from the Nairn Angling Club have been received by the Common Good Fund and there has been fishing related expenditure from the Fund. Further investigation has confirmed that the fishings continued to be administered as part of the Common Good Fund both at the time of local government re-organisation in 1975 and 1996.
- 4.2 These investigations have established that the fishings on the River Nairn are properly considered to form and to be administered as part of Nairn Common Good Fund.

### **5. Implications**

- 5.1 There are no Resource, Community, Climate Change, Risk or Gaelic implications. The legal implications are to confirm the legal status of the fishings as forming part of the Nairn Common Good Fund.

Designation: Head of Corporate Governance

Date: 13 June 2017

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