POLICY NOTE

THE FISHING BOATS (SATELLITE –TRACKING DEVICES) (SCOTLAND) SCHEME 2012

SSI 2012/264

1. This Order is made in exercise of the powers conferred by section 15(1) and (2) of the Fisheries Act 1981 ('the 1981 Act'). The Order is subject to provisional affirmative procedure in terms of section 15(3) of the 1981 Act and comes into force on 29 October 2012.

2. Under that procedure the Order is made by the Scottish Ministers then laid before the Scottish Parliament. Notwithstanding the coming into force of the Order on 29 October 2012 to remain in effect the Order must be approved by resolution of the Scottish Parliament within 40 days beginning with the day on which it was made, not taking into account periods of dissolution or recess of more than four days.

Policy Objectives

3. The instrument makes provision allowing the Scottish Ministers to consider applications for grants made to them by Scottish registered and administered fishing boats towards the cost of procuring Vessel Monitoring Systems ('VMS'), together with the costs of purchasing warranties in respect of such systems and their installation, on board fishing boats which are 12 to 15 metres in length.

Background

4. Subject to certain exceptions that are specified in Council Regulation (EC) No. 1224/2009, fishing boats of 12 metres length or more must be installed with VMS terminals in order to comply with the rules set out in that Regulation. By transmitting 2 hourly position reports these devices allow boats to be automatically located and identified. This obligation came into effect under the following timescale: 1 January 2012 for fishing boats between 12 and 15 metres overall in length. There have been delays with the procurement process which have impeded UK Fisheries Administrations from taking implementation forward sooner. Fishing boats which are over 15 metres in length have had to comply with this obligation since September 2004 under the Fishing Vessels (Satellite-tracking Devices) (Scotland) Scheme 2004.

Consultation

5. There has been no formal consultation held on the implementation of this obligation as it is required by EU legislation.

Financial Effects

6. To assist with this new obligation the UK applied to the EU for assistance from the EU's New Technologies Fund. The grant will be paid directly to the supplier on the

Master/owner's behalf following installation. A Regulatory Impact Assessment has been prepared.

Marine Scotland
Scottish Government
27 September 2012