POLICY NOTE

THE OFFSHORE FISHING (PROHIBITION OF FISHING METHODS) (SCOTLAND) ORDER 2025

SSI 2025/240

The above instrument was made in exercise of the powers conferred by section 5(1) of the Sea Fish Conservation Act 1967. The instrument is subject to negative procedure.

Summary Box

The Order introduces site specific fisheries management measures for specified fishing gears within the defined areas of 10 Marine Protected Areas (MPAs) and 9 Special Areas of Conservation (SACs) in the following Offshore sites:

- Braemar Pockmarks SAC
- Central Fladen MPA
- Darwin Mounds SAC
- East of Gannet and Montrose Fields MPA
- East Rockall Bank SAC
- Faroe-Shetland Sponge Belt MPA
- Firth of Forth Banks Complex MPA
- Geikie Slide and Hebridean Slope MPA
- North-east Faroe-Shetland Channel MPA
- North West Rockall Bank SAC
- Norwegian Boundary Sediment Plain MPA
- Pobie Bank Reef SAC
- Scanner Pockmark SAC
- Solan Bank Reef SAC
- Stanton Banks SAC
- The Barra Fan and Hebrides Terrace Seamount MPA
- West of Scotland MPA
- West Shetland Shelf MPA
- Wyvile-Thomson Ridge SAC.

Another SAC, lies wholly within the West of Scotland MPA. The measures applied to the area of the West of Scotland MPA consequently apply to the Anton Dohrn SAC.

Policy Objectives

The policy objective of this instrument is to support the achievement of conservation objectives and support sustainable use of our marine environment by introducing fisheries management measures within 10 Marine MPAs and 10 SACs which occur wholly or partly in the Scottish offshore region (12 – 200 nautical miles). In five of the protected areas the fisheries management measures will restrict the use of specified fishing gear throughout the whole site. In the remaining 14 protected areas, the restrictions apply to defined zones within the protected areas. There is a requirement under The Conservation of Offshore Habitats and Species Regulations 2017**1** (as amended) for Scottish Ministers to implement measures considered necessary for the achievement of the conservation objectives of each SAC and

1 https://www.legislation.gov.uk/uksi/2017/1013/contents

which correspond to the ecological requirements of the habitats and species for which the SAC has been designated.

For MPAs, under the Marine and Coastal Access Act 2009**2**, Scottish Ministers have a duty to exercise functions which could significantly affect an MPA in a manner that best furthers the conservation objectives of the site (or where that is not possible, least hinders the achievement of the objectives).

This Order fulfils those duties in relation to fishing activity.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.
In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Offshore Fishing (Prohibition of Fishing Methods)(Scotland) Order 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

It is the policy of the Scottish Ministers to continue alignment with the European Union, where appropriate and in Scotland's interests. The introduction of fisheries management measures within MPAs and SACs supports this alignment.

The UK's relationship with the EU is now governed by two treaties: the EU–UK Withdrawal Agreement and the Trade and Cooperation Agreement (TCA). Scottish Ministers are committed to maintain alignment with the EU where possible and in Scotland's interest, while contributing towards protecting and advancing high standards. This alignment can be achieved through policy commitments or through primary and secondary legislation.

The process of implementing these measures originated under the EU framework; the Common Fisheries Policy (CFP). Under EU Regulation 1380/2013, one of the objectives of the CFP is to implement the ecosystem-based approach to fisheries management so as to ensure that negative impacts of fishing activities on the marine ecosystem are minimised. Member states are empowered to adopt conservation measures within their jurisdiction provided they are compatible with that objective. Following the UK's exit from the EU, this approach has been maintained under domestic policy. This policy also supports the achievement of Good Environmental Status under the Marine Strategy Framework Directive. aligns with the delivery of Good Environmental Status for biodiversity under the UK Marine Strategy. This is an obligation that stems from the EU's Marine Strategy Framework Directive.

The implementation of fisheries management measures within offshore MPAs is consistent with the EU's ecosystem-based approach and is not expected to affect the operation of the TCA.

2 https://www.legislation.gov.uk/ukpga/2009/23/contents

Marine Directorate officials have notified the Specialised Committee on Fisheries through the required processes regarding these measures.

This policy of implementing fisheries management measures within MPAs in the Scottish offshore region aligns with the EU's ecosystem based approach and is not expected to impact access to EU markets for people, goods and services.

This policy also supports alignment with the Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora). The Habitats Directive is implemented for the offshore marine area by the Conservation of Offshore Marine Habitats and Species Regulations 2017.

Consultation

The content of these measures has been informed by extensive public consultation and engagement with stakeholders.

Between 2013 and 2023, a series of stakeholder workshops and meetings were held to co-develop a range of proposed measures. Many of these discussions took place while the UK was still an EU member state, and the measures were developed under the CFP process. This process involved collaboration with fishery and environmental stakeholders from both the UK and EU countries, discussions with Advisory Councils, and engagement with member states with a direct management interest. However, this process was not concluded before the UK's departure from the EU.

A formal public consultation was held from 14 August 2024 to 19 October 2024. It sought views on the proposed fisheries management measures for 20 MPAs, as well as associated impact assessments and policy documents. 3,881 responses were analysed, and a consultation report has been published on the Scottish Government website.

A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website. This includes fishing industry representative bodies such as Scottish Fisherman's Federation and Scottish White Fish Producers Association, and environmental bodies such as Oceana and Scottish Environment Link.

Following the public consultation, additional advice was received from the Joint Nature Conservation Committee (JNCC), as the lead Statutory Nature Conservation Body. JNCC advised that further protection was required for two of the sites included in the consultation namely Central Fladen MPA and East of Gannet and Montrose Fields MPA . In response, revised measures for those sites were developed by officials in line with this updated advice. These revised measures were subsequently reviewed by the Chief Scientific Adviser for Marine.

Impact Assessments

The following impact assessments have been completed on the fisheries management measures within Offshore MPAs and are attached:
Sustainability Appraisal (SA);
Strategic Environmental Report (SEA);

Socio-Economic Impact Assessment (SEIA);
Child Rights and Wellbeing Impact Assessment (CRWIA);
Equality Impact Assessment (EQIA);
Data Protection Impact Assessment (DPIA);
Fisheries Assessments (per site);
Business Regulatory Impact Assessment (BRIA) and
Island Communities Impact Assessment (ICIA).

There is no aspect of the proposals which have a differential or discriminatory impact on equality groups, islands, or individuals.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The financial benefits that are expected to arise are primarily in the form of ecosystem service benefits. Costs have been estimated in terms of ecosystem service costs, public sector costs, non-quantifiable costs, and impacts to commercial fisheries (GVA impact, FTE employment, loss in value of landings).

The commercial fisheries sector is most likely to be directly impacted by this policy as a number of restrictions are placed on the type of gear that can be deployed within the defined areas . These measures have been developed with a focus on protecting features to enable conservation objectives to be met, while allowing sustainable fishing activity and practices to continue alongside to minimise financial effects.

Additional costs will be incurred by the public sector for compliance and enforcement. An estimate for the annual costs associated with compliance and enforcement for the proposed measures has been informed by Scottish Government Marine Compliance.

Scottish Government
Marine Directorate

26/08/2025