POLICY NOTE

THE SEA FISH (PROHIBITED METHODS OF FISHING) (FIRTH OF CLYDE) ORDER 2016

SSI 2016/12

1. This Order was made in exercise of the powers conferred by sections 5(1)(a) and (2), 15(3) and 20(1) of the Sea Fish (Conservation) Act 1967. The Order is subject to the negative procedure.

Policy Objectives

2. The purpose of the Order is to protect cod stocks in the Firth of Clyde at a crucial time in their life cycle by prohibiting fishing effort during the spawning season. As it is a technical conservation measure, the Order is made pursuant to Article 46 of Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms[1].

3. The Order prohibits fishing within a specified area of the Firth of Clyde from 14 February until 30 April, both in 2016 and 2017. However, certain methods of fishing are excepted from the prohibition. The closed area is split into two zones. In the larger and more easterly zone (specified in article 3(1)(a) of the Order and diagonally hatched on the illustrative map), scallop dredging, creel fishing and trawls for fishing for Norway lobsters are permitted throughout the closure period. In the smaller zone, which is a strip of water at the mouth of the Clyde (specified in article 3(1)(b) of the Order and horizontally hatched on the illustrative map), there is no exception for Norway lobsters trawls, but scallop dredging and creeling is permitted.

4. The Order is not to be read as allowing any fishing for sea fish in any part of the area described in article 3(1)(a) which is otherwise prohibited by the South Arran Marine Conservation Order 2015.

5. The Order will apply to British fishing boats that fish in the area.

Consultation

6. The Scottish Government consulted with key stakeholders regarding this proposal in September 2015. Stakeholders were allowed 4 weeks to comment and the consultation ended on Thursday 15th October 2015.

7. There were 10 responses to the consultation, from both the fishing industry and nature conservation interests. All of the responses were broadly supportive and agreed that the closure should be introduced for 2016/17 as in previous years, including the derogations applied.

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1 OJ L 125, 27.4.98, p.1, as last amended by Regulation (EU) 2015/812 of the European Parliament and of the Council (OJ L 133, 29.5.2015, p.1); Article 46 was amended by Council Regulation (EC) No 1298/2000 (OJ L 148, 22.06.00, p.1).

8. Provisions for such a closure have been set in place annually since 2002 and key stakeholders have been consulted each year.

Financial Effects

9. This Order has no bearing on quota, which remains unchanged, and the closure should not prevent skippers from catching their full quota over the duration of the year. At most, the proposed closure may lead to a reduction in fish landings for its duration, and therefore incomes on a temporary basis. The fishermen should not be financially disadvantaged overall. In addition, this closure should protect the stock so that in future years there is a benefit to all fishermen. Due to the complex and varied nature of the mixed fishery it has not proved possible to calculate exact figures for any possible catch changes.

10. The Order will not give rise to further costs to the Scottish Government. Enforcement of this Order will be achieved within the existing provision for Marine Scotland Compliance.

11. A seasonal closure of the specified area in the Firth of Clyde has applied since 2002. A Business and Regulatory Impact Assessment has been completed.

Scottish Government
January 2016