POLICY NOTE

THE SEA FISH (PROHIBITION ON FISHING) (FIRTH OF CLYDE) ORDER 2026

SSI 2026/10

The above instrument was made in exercise of the powers conferred by sections 5(1)(a), 5(2) and 20(1) of the Sea Fish (Conservation) Act 1967 and all other powers enabling them to do so. The instrument is subject to negative procedure.

Summary Box

The purpose of the Instrument is to support the recovery of the cod stock in the Firth of Clyde while maintaining the appropriate balance of our environmental and socio-economic obligations under the Fisheries Act 2020.

Policy Objectives

Since 2002, seasonal restrictions on certain fishing activities have been applied annually in a designated area of the Firth of Clyde between 14 February and 30 April to protect spawning cod. From 2022, this included removal of historic exemptions for creel vessels, *Nephrops* trawlers and scallop dredgers, in an effort to improve the likelihood of cod stock recovery.

Despite ongoing management efforts, cod in the Clyde have shown limited signs of improvement and this stock is thought to be at a level that could undermine recovery. Our scientific advisors consider that there is potential for stock recovery but it requires a long-term commitment to improving the evidence base and implementing adaptive management that responds to emerging evidence, rather than relying solely on the current closure.

The objective of this policy is to maximise the potential for cod recovery in the Firth of Clyde. This will be accomplished, taking a proportionate approach that strikes a balance between environmental and socio-economic obligations under the Fisheries Act 2020.

The order maintains the same protections afforded by the previous closure, prohibiting all fishing activity within the following two areas of the Firth of Clyde from 14 February until 30 April, for 2026, 2027 and 2028:

Part 2 (North Area)
A 55° 30.000' N 005° 05.472' W
B 55° 30.000' N 005° 00.000' W
C 55° 23.820' N 005° 00.000' W
D 55° 23.820' N 005° 24.600' W
E 55° 30.000' N 005° 24.600' W
F 55° 30.000' N 005° 19.947' W

Part 3 (South Area)
A 55° 25.713' N 005° 32.426' W
B 55° 26.100' N 005° 31.920' W
C 55° 17.220' N 005° 16.860' W

D 55° 10.680' N 005° 14.700' W
E 55° 12.960' N 005° 08.940' W
F 55° 13.860' N 005° 00.000' W
G 55° 06.797' N 005° 00.000' W
H 55° 00.000' N 005° 02.496' W
I 55° 00.000' N 005° 05.170' W
J 55° 00.000' N 005° 10.120' W
K 55° 00.000' N 005° 21.000' W
L 55° 17.962' N 005° 47.914' W
M 55° 25.088' N 005° 33.303' W
N 55° 25.392' N 005° 33.065' W

The instrument also prohibits fishing activity within the following area of the Firth of Clyde for all vessels without a valid track record during 2026, 2027 and 2028 in order to prevent further increases in cod mortality. This area will also be subject to a Targeted Scientific Programme (TSP). This collaborative Programme will take place throughout the year, within the area described at Part 1. It will pave the way for future management of this stock where the impact of all fishing sectors on cod mortality, as well as the distribution and dynamics of spawning and juvenile cod are better are understood and used to inform adaptive management. The TSP will be authorised by Ministers' powers under section 9 of the Sea Fish (Conservation) Act 1967.

Part 1
O is 55° 00.000' N 005° 10.120' W
P 55° 00.000' N 005° 21.000' W
Q 55° 17.962' N 005° 47.914' W

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 Scottish Ministers certify that, in their view, The Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

A public consultation ran from 31 July until 25 September 2025 seeking views on a range of proposals and asking respondents to suggest alternative or complimentary approaches.

The 44 responses reflected highly diverse perspectives on all the proposals and other potential approaches, varying both across stakeholder groups and within them. In interpreting

these responses care was taken to balance the analysis, recognising that some organisational submissions often reflect the views of multiple members or sectors.

Responses demonstrated strong engagement and high awareness of Clyde cod recovery. While there was support for protecting spawning cod, respondents differed on whether the current closure design, timing, and duration represent the most effective or proportionate approach. There was opposition to retention of the seasonal closure in its current form until 2028 and scepticism about its benefits. The range of views expressed highlighted the challenges in developing management options and pointed to a more holistic approach.

Responses to the consultation supported a collaborative approach to the TSP, working in partnership and putting fishers at the centre of this process supported by scientists.

We acknowledge consultation responses regarding critical knowledge gaps on spawning distribution and stock structure. This supports a broader adaptive approach to management, one led by science. The introduction of access control to the Firth of Clyde for the next three years is intended to support the TSP, and help ensure fishing mortality does not increase.

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.

Impact Assessments

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached to this instrument. An Equality Impact Assessment (EQIA) has not been completed for this instrument as there are no direct or indirect effects on specific protected characteristics set out in the Equalities legislation, and a Fairer Scotland assessment is available on the Scottish Government website. The instrument has no direct or indirect effect on children or young people.

A full Island Communities Impact Assessment (ICIA) has not been completed as the instrument is not likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities). A Strategic Environmental Assessment (SEA) has not been completed because this is not a new policy.

No adverse impacts were identified in relation to matters of children's rights and wellbeing, or data protection and privacy.

When preparing this legislation, the Scottish Government has considered and had due regard to the environmental principles contained within the UK Withdrawal from the European Union (Scotland) (Continuity) Act 2021 ('the Continuity Act').

Financial Effects

A final Business and Regulatory Impact Assessment (BRIA) has been completed and is attached.

Analysis suggests that maintaining the status quo of no exemptions for *Nephrops* trawlers or creel vessels could cost the fishing sector between £182,000 and £969,000 per year, in 2024

prices. This is a cost of between £4,000 and £19,000 per affected vessel per year, or between 2% and 9% of their total landings. The total number of affected vessels fell from 60 in 2021 to 49 in 2024.

We consider that there will no measurable cost to businesses as a result of the access limit as vessels who have a track record of fishing in this area will be able to continue to do so.

Scottish Government
Marine Directorate

13-JAN-2026