

EXECUTIVE NOTE

THE SEA FISHING (ENFORCEMENT OF COMMUNITY CONTROL MEASURES) (SCOTLAND) AMENDMENT ORDER 2005 SSI/2005/552

1. The above Order was made in exercise of the powers conferred by section 30(2) of the Fisheries Act 1981. This instrument is subject to negative resolution procedure.

Policy Objective

2. The purpose of this instrument is to amend The Sea Fishing (Enforcement of Community Control Measures) (Scotland) Order 2000 (“the principal Order”) to put into place a new regime for fishing effort West of Scotland (usually referred to as “Western Waters”) in light of Council Regulation (EC) No 1954/2003. Council Regulation (EC) No 1954/2003 is a replacement for Council Regulation (EC) No 685/95 on the management of the fishing effort relating to certain Community fishing areas and resources and Council Regulation (EC) No 2027/95, implementing a system of fishing effort management concerning certain fishing areas and resources.

3. The previous regime consisted of 12 separate zones and restrictions applied to vessels over 18 metres. Effort was allocated by target species and gear type. This instrument will ensure that current levels of fishing effort remain the same taking into account the expiry of the Act of Accession of Spain and Portugal. This instrument will apply to all vessels equal to or greater than 10 metres in overall length. The area now comprises of 8 zones with effort allocated on a target species but not gear type. An area of the South West coast of Ireland has also been designated as a Biologically Sensitive Area. The requirement under the previously applicable Community legislation and the principal Order for vessels without satellite monitoring equipment to provide exit and entry reports for each of the 12 zones by radio, fax, telephone or email has been removed. Under this instrument vessels will instead be required to record the entry and exit from each of the 8 zones in their logbook instead. Vessels that do enter or leave the Biologically Sensitive Area will be required to provide reports of the catch aboard when entering or exiting the area.

4. The instrument also makes a minor amendment to the powers conferred upon British sea-fisheries officers on land for the purposes of enforcing the principal Order.

5. This instrument will ensure that fishing effort does not increase in Western Waters and those vulnerable stocks will not be over exploited.

Consultation

6. Consultation with the fishing industry and other interested parties took place when the Council Regulation was drafted.

Financial Effects

7. A Regulatory Impact Assessment has been carried out and is attached. The introduction of these measures will have little financial impact on the industry. Over the last years only one Scottish vessel has fished in the Biologically Sensitive Area. They would be required to send a report, a "hailing in/out" message, detailing the location of the vessel and catch onboard when entering or exiting the area. The estimated cost of each hail message would be between £5 and £10 depending on the method used.

**Scottish Executive Environment and Rural Affairs Department
Sea Fisheries (Management) Division**

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