

EXECUTIVE NOTE

The Inshore Fishing (Prohibition of Fishing for Cockles) (Scotland) Order 2006 SSI/2006/58

This instrument was made in exercise of the powers conferred by section 1 of the Inshore Fishing Scotland Act 1984. The instrument is subject to negative resolution procedure.

Policy Objectives

The purpose of the instrument is to lift the current restrictions in place in the Scottish side of the Solway Firth to allow the Solway Firth Regulated Fishery (Scotland) Order 2006 (“the Regulating Order”), which is being made simultaneously, to be effective. The effect of this instrument is to lift the prohibition on fishing for cockles which applies within the area to be covered by the Regulating Order by virtue of the Inshore Fishing (Prohibition of Fishing for Cockles) (Scotland) Order 1995 (as amended). That Order also imposes a ban on fishing or cockles from or by means of any vehicle in Scottish Inshore Waters, and this ban is re-enacted in the present instrument. As the policy aim behind the making of the present instrument is the effective operation of the Regulating Order, the remainder of this Executive Note therefore relates to the the policy underlying that Order.

There is a general policy to where possible and appropriate delegate the management of inshore fisheries to local stakeholders. The Regulating Order mechanism is available to regulate shell fisheries through a licence scheme operated by a grantee. In the case of the Solway, the fishery was exploited to dangerously low levels and had to be closed through a series of measures for stock conservation purposes. The intention is to ensure that the fishery is run sustainably and viably and in particular to have measures put in place to help prevent over exploitation.

The Regulating Order provides that the grantee can issue licences for fishing for cockles from a vessel, by hand and by means of a tractor dredge. Fishing effort will be controlled through the number of licences being limited to 100, by a total allowable catch being set in the basis of scientific advice and by limiting the fishing season to six months. The Regulating Order also allows gathering by hand “for the pot” up to a daily maximum limit of 3kg. It is anticipated that in addition to the benefits of the fishermen themselves, the opening of the

fishery under the Regulating Order will benefit the wider community through support for local businesses and resulting employment opportunities.

The Regulating Order provides for the imposition of restrictions and regulations by the grantee, with the consent of Scottish Ministers. It also provides for the charging of licence fees and a royalty in relation to cockles fished or collected on a live weight basis.

The Regulating Order will apply only in the area of the fishery as set out in article 2 of the that Order (and which corresponds to the “specified area” defined in the present instrument), and shown hatched on the illustrative map which accompanies the Explanatory Note to the Order.

Consultation

The Executive published a draft order allowing a period for the submission of objections and representations. This was followed by an inquiry by an independent inspector into the subject matter of the proposed order.

Also, the following bodies have been consulted during the preparation of the instrument: Scottish Natural Heritage; the Solway Shellfish Management Association; Scottish Enterprise; Dumfries and Galloway Council; the Scottish Fishermen’s Association; the Crown Estate; Cumbria Sea Fisheries Committee; Dumfries and Galloway Police; The Scottish Fisheries Protection Agency; the Health and Safety Executive; the Marine and Coastguard Agency and the Royal Society for the Protection of Birds.

Financial Effects

The order is likely to help boost the local economy and could generate some jobs in addition to those of the licensees. The income generated by the grantee will be reinvested in the fishery. A Regulatory Impact Assessment has been completed, and accompanies this Explanatory Note.

Scottish Executive Environment and Rural Affairs Department

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