

EXECUTIVE NOTE

THE SEA FISH (SPECIFIED SEA AREAS) (REGULATION OF NETS AND OTHER FISHING GEAR) (SCOTLAND) AMENDMENT ORDER 2010 SSI 2010 No. 231

1. This Order was made in exercise of the powers conferred by sections 3 and 15(3) of the Sea Fish (Conservation) Act 1967. The instrument is laid before the Scottish Parliament but is not subject to any parliamentary procedure.

Policy Objectives

2. The purpose of this Order is to meet a commitment given to the Subordinate Legislation Committee in May 2009 in relation to the Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Amendment Order 2009 (SSI 2009/165).

3. SSI 2009/165 amended the Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Order 2000 (SSI 2000/227) by inserting a new article 4A, which enforces the technical conservation measures contained in paragraph 6 of Annex III to Council Regulation 43/2009. Such measures apply to a specified sea area within West of Scotland: that part of ICES Division VIa which is east of the Cod Recovery Line. This area is specified in article 3(1C) of SSI 2000/227 (as inserted by SSI 2009/165). A relatively small part of the specified sea area falls outside the Scottish zone.

4. This Order fulfils the Scottish Government's commitment to amend article 3(1A) of SSI 2000/227 (as inserted by SSI 2009/165) to restrict the application of article 4A, in respect of non-Scottish fishing boats, to any other fishing boat within that part of the specified sea area which is within the Scottish zone.

5. The Order does not alter the legal effect of SSI 2000/227 (as amended), as article 4A was previously only enforceable against Scottish fishing boats (wherever they may be) and against other fishing boats within the Scottish zone. However, the Scottish Government takes this opportunity to clarify the application of article 4A of SSI 2000/227 since the requirements of paragraph 6 of Annex III to Council Regulation 43/2009 have now been extended until 30th June 2011 by Council Regulation 1288/2009.

6. This amendment requires a separate Order as it is not subject to any parliamentary procedure; the Sea Fisheries Orders which have been made in the intervening period have been subject to negative resolution procedure.

7. The Order also revises certain definitions in SSI 2000/227, to take account of terminology changes arising out of the Treaty of Lisbon coming into force and the roll-over of Annex III to Council Regulation 43/2009, and clarifies the application of British sea-fishery officers' powers in relation to fishing boats.

Consultation

8. There is no consultation requirement for this Order. It does not alter the way in which SSI 2000/227 is given legal effect and has no additional implications for the Scottish fishing industry.

9. The Scottish Government held meetings with representatives from the fishing federations and producer organisations when the provisions of paragraph 6 of Annex III to Council Regulation 43/2009 were initially negotiated and implemented during the 2008 December Fisheries Council and again when their 18-month extension was negotiated during the 2009 December Fisheries Council. Discussions at these meetings informed the Scottish and UK negotiating position in relation to European proposals.

Financial Effects

10. This Order has no financial implications for the Scottish Government or the Scottish fishing industry, as it does not give rise to any additional costs. The Order simply clarifies the application of article 4A of SSI 2000/227 to reflect how it is already enforced.

Marine Scotland
Scottish Government
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