

EXECUTIVE NOTE

THE SCALLOPS (LUCE BAY) (PROHIBITION OF FISHING) VARIATION ORDER 2010

SSI 2010/429

This instrument was made in exercise of the powers conferred by section 5(1), 15(3) and Section 20(1) of the Sea Fish (Conservation) Act 1967. The instrument is subject to negative resolution procedure.

Policy Objectives

The purpose of the instrument is to vary the Scallops (Luce Bay) (Prohibition of Fishing) Order 2010 to bring forward the reopening of Luce Bay to scallop dredging from 28 February 2011 to 8 December 2010. As a result of this variation the Scallops (Luce Bay) (Prohibition of Fishing) Order 2010 ceases to have effect from the end of 7 December 2010, and the temporary closure of the relevant area is revoked with effect from the 8th December.

The area of sea which is affected is Luce Bay in South West Scotland which has been designated a Special Area of Conservation (SAC) under the EC Habitats Directive. An area of the Irish Sea which includes Luce Bay is closed to scallop dredging between 1 June and 31 October each year under the Scallops (Irish Sea) (Prohibition of Fishing) Order 1984. In addition, Luce Bay is closed to scallop dredging between 1 March and 31 August under the Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 2004 (SSI 2004/276).

The Scallops (Luce Bay) (Prohibition of Fishing) Order 2010 was put in place with effect from 1 November on an emergency basis to prevent displacement of fishing effort to Luce Bay following the implementation of the Isle of Man King Scallops Bye-law 2010 on 1 November. On the basis that the period of particular concern immediately after the Isle of Man Bye-law came into effect (when originally the fishery was due to reopen) passed uneventfully and a guarantee has been obtained from Scottish scallop fishermen that sensitive areas within Luce Bay will not be fished, the Scallops (Luce Bay) (Prohibition of Fishing) Variation Order 2010 will enable Luce Bay to reopen to scallop dredging from 8th December.

Consultation

Discussions have taken place with local fishermen and their political representatives and with the Scottish Scallop Association. The intention is that full consultation will take place in the near future on longer term management of Luce bay.

Financial Effects

This instrument will have no adverse economic impact.

Scottish Government
1 December 2010