

## **EXECUTIVE NOTE**

### **THE INSHORE FISHING (PROHIBITION OF FISHING FOR COCKLES) (SOLWAY FIRTH) (SCOTLAND) ORDER 2011**

#### **SSI 2011/ 319**

1. This Order is made in exercise of the powers conferred by sections 1 and 2A of the Inshore Fishing (Scotland) Act 1984. It is subject to the negative procedure.

#### **Policy Objectives**

2. The purpose of the Order is to prohibit all methods and means of cockle fishing in the Solway Firth (i.e. close the Solway Firth to cockle fishing), with effect from 15 September 2011.

3. Cockle fishing in the Solway Firth is currently prohibited, subject to licence, under the Solway Firth Regulated Fishery (Scotland) Order 2006 (“the 2006 Order”). However, the 2006 Order will expire on 14 September 2011. Subject to very limited exceptions, no licences authorising cockle fishing in the Solway Firth have been issued under the 2006 Order since the end of the 2007-08 season, due to depleted stocks. In effect, therefore, the Solway Firth has been closed to cockle fishing since that time. However, unlike the 2006 Order, this Order does not allow hand gathering of cockles for personal consumption. This is so that the Order can be enforced as effectively as possible.

4. The Solway Firth’s cockle stocks remain too low to allow the fishery to be fully reopened, or entirely unregulated, with effect from 15 September 2011. While the Solway Firth cockle fishery is of value to commercial fishing interests (when stocks allow), it is also important from a marine nature conservation perspective. The Solway Firth includes a Special Protection Area (SPA) and a Special Area of Conservation (SAC). The SPA is particularly relevant to the 2006 Order: before fishing for cockles can be authorised in any given year, a certain amount of cockle biomass has to be set aside as an essential food source for important shorebird populations.

5. The objective of this Order is to allow sufficient time for cockle stocks to recover to levels which can be exploited sustainably, whilst new management arrangements are proposed and considered. Its purpose is also to help ensure the maintenance of the SPA in a favourable condition, and help prevent some of the health and safety and other issues associated with an unregulated fishery.

6. Accordingly, this Order is intended to be a temporary measure. Once Marine Scotland Science has determined that stocks have recovered sufficiently, and subject to the requirements of relevant environmental legislation (in particular, the Habitats Directive and the Environmental Assessment (Scotland) Act 2005), the fishery can be fully or partially reopened. This will be contingent on an appropriate management regime being agreed, to ensure sustainable exploitation of cockles within the Solway Firth (or within spatially defined areas of the Solway Firth).

## **Consultation**

7. The Scottish Government has written to those who have previously held licences under the 2006 Order, as well as other stakeholder organisations, setting out the position and inviting them to give their views on the proposed closure of the fishery. The limited response to that consultation has been mixed. In any case, stock levels are depleted to the extent that there is no viable alternative to keeping the fishery closed for the time being (whilst new management proposals are further developed). This is necessary to allow cockle stocks to recover, and to address the various health and safety, environmental and other concerns associated with an unregulated Solway Firth cockle fishery.

## **Financial effects**

8. In effect, the Solway Firth cockle fishery has been closed since the end of the 2007-08 season. Accordingly, no Business and Regulatory Impact Assessment has been prepared, on the basis that there are no new financial effects (including enforcement costs) associated with this Order. Once cockle stocks have sufficiently recovered, a reopened fishery will provide some income to those able to exploit the fishery and possibly some wider financial benefit to the community.