

EXECUTIVE NOTE

THE SEA FISH (PROHIBITED METHODS OF FISHING) (FIRTH OF CLYDE) ORDER 2012

SSI 2012/4

1. This Order was made in exercise of the powers conferred by sections 5(1)(a)(iii) and 15(3) of the Sea Fish (Conservation) Act 1967. It is subject to the negative procedure.

Policy Objective

2. The purpose of the Order is to protect cod stocks in the Firth of Clyde at a crucial time in their life cycle by prohibiting fishing effort during the spawning season. As it is a technical conservation measure, the Order is made pursuant to Article 46 of Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms¹.
3. The Order prohibits fishing within a specified area of the Firth of Clyde from 14 February until 30 April, in both 2012 and 2013. However, certain methods of fishing are excepted from the prohibition. The closed area is split into two zones. In the larger and more easterly zone (specified in article 3(1)(a) of the Order and labelled "Area 1" on the illustrative map), scallop dredging, creel fishing and trawls for nephrops are permitted throughout the closure period. In the smaller zone, which is a strip of water at the mouth of the Clyde (specified in article 3(1)(b) of the Order and labelled "Area 2" on the illustrative map), there is no exception for nephrops trawls, but scallop dredging and creeling is permitted.
4. The Order will apply to all Scottish or other British fishing boats that fish in the area.

Consultation

5. The Scottish Government consulted with key stakeholders regarding this proposal in December 2011. Responses were received from a variety of organisations, including nature conservation groups and the Clyde Fishermen's Association. All of the responses supported the Scottish Government's proposal for a Clyde cod closure in 2012 and 2013.
6. Provisions for such a closure have been set in place annually since 2002 and key stakeholders have been consulted each year.

Financial Effects

7. The Order has no bearing on quota, which remains unchanged, and the closure should not prevent skippers from catching their full quota over the duration of the year. At most, the proposed closure may lead to a reduction in fish landings for its duration, and therefore incomes on a temporary basis. The fishermen should not be financially disadvantaged overall. In addition, this closure should lead to a bigger stock in future years to the

¹ OJ L 125, 27.4.98, p.1; Article 46 was amended by Council Regulation (EC) No 1298/2000 (OJ L 148, 22.6.00, p.1).

benefit of all fishermen. Due to the complex and varied nature of the mixed fishery it has not proved possible to calculate exact figures for any possible catch changes.

8. The Order will not give rise to further costs to the Scottish Government. Enforcement of this Order will be achieved within the existing provision for Marine Scotland Compliance.
9. A seasonal closure of the specified area in the Firth of Clyde has applied since 2002. 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.

Scottish Government
January 2012