

POLICY NOTE

THE INSHORE FISHING (PROHIBITION OF FISHING AND FISHING METHODS) (SCOTLAND) ORDER 2015

SSI 2015/435

1. The above instrument was made in exercise of the powers conferred by sections 1 and 2A of the Inshore Fishing (Scotland) Act 1984. The instrument is subject to negative procedure.

Policy Objectives

2. Section 3 of the Marine (Scotland) Act 2010 provides that Scottish Ministers and public authorities must act in a way best calculated to further the achievement of sustainable development, including the protection and enhancement of the health of the Scottish marine area. Scottish Ministers consider this instrument is necessary to protect a number of environmentally sensitive locations in the marine environment.

3. Scottish Ministers are empowered by Article 11(1) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy¹ to adopt conservation measures which are necessary for compliance with obligations under EU environmental legislation. This instrument will make a contribution towards compliance with the EU Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora), the EU Marine Strategy Framework Directive (Directive 2008/56/EC of the European Parliament and of the Council establishing a framework for community action in the field of marine environmental policy), and the EU Wild Birds Directive (Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds).

4. The instrument applies to 13 separate geographic locations which have been designated as a protected areas under one or more of the following pieces of legislation.

- EU Habitats Directive
- EU Wild Birds Directive
- Marine (Scotland) Act 2010

5. The instrument regulates fishing in three different ways which are applied in variable combinations across the 13 geographic locations to ensure that environmental objectives are achieved.

- By prohibiting the use of certain fishing methods
- By restricting the use of certain fishing methods
- By prohibiting fishing for named species

¹ (OJ L 354, 28.12.2013, p.22)

Consultation

6. A consultation on potential management approaches took place between November 2014 and February 2015. Having taken account of all the responses to that consultation, Scottish Ministers published notice of their intention to make this Order in June 2015.

Impact Assessments

7. An equality impact assessment screening has been completed on this instrument. This concluded that there were no equality issues requiring full assessment.

Financial Effects

8. A Business and Regulatory Impact Assessment (BRIA) has been prepared and is available on the Scottish Government website.

Marine Scotland
December 2015