

POLICY NOTE

THE INSHORE FISHING (PROHIBITED METHODS OF FISHING) (LUCE BAY) ORDER 2015

SSI 2015/436

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 some environmentally sensitive locations within Luce Bay.

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).

4. The Order applies to the Luce Bay and Sands Special Area of Conservation (SAC) which was designated in 2005 under the EU Habitats Directive. It is designated for a feature known as a “large shallow inlet and bay” which means that all the habitats are protected. These habitats have varying sensitivity to anthropogenic pressure.

5. The instrument regulates fishing by prohibiting a number of fishing methods. It restricts mechanical dredging (used to catch scallops) to three specific zones within the SAC. These zones can only be used during the months of January, February, November, and December each year. Creel fishing is unaffected by the measures. The Scottish Government has concluded that this management proposal would have no adverse effect on the integrity of the SAC.

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 have further dialogue with stakeholders in June 2015.

¹ (OJ L 354, 28.12.2013, p.22)

7. A workshop took place at the end of June 2015 where possible zonal management approaches were discussed. Stakeholders were given a further opportunity to comment on the conclusion after the workshop. The fishing industry were supportive of the proposal provided for in this instrument, whilst the environmental NGOs had some residual concerns.

Impact Assessments

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

Financial Effects

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

Marine Scotland
December 2015