

POLICY NOTE

THE ORKNEY ISLANDS (LANDING OF CRABS AND LOBSTERS) ORDER 2016

SSI 2016/50

The above instrument was made in exercise of the powers conferred by sections 1(1), (4) and (6), 6(1) and (3) and 20(1) of the Sea Fish (Conservation) Act 1967. The instrument is subject to negative procedure.

Policy Objectives

The purpose of the instrument is to help improve the sustainability of crab and lobster fisheries in, and in the inshore waters surrounding, the Orkney Islands.

The instrument amends the Undersized Velvet Crabs Order 1989 and the Undersized Lobsters (Scotland) Order 2000 so as to prescribe the following measures to restrict the landing of velvet crab and lobster in the Orkney Islands.

- The minimum size for the landing of velvet crab will be increased from 65 mm to 70 mm
- The minimum size for the landing of lobster will be increased from 87 mm to 88 mm for one year and then 90 mm thereafter

The instrument will also prescribe a minimum size of 70 mm for the landing of green crab in the Orkney Islands, and prohibit the landing in Scotland of berried (egg-bearing) female velvet crab caught in those parts of Scottish inshore waters which surround the islands of the Orkney Islands (from 0-6 nautical miles from the coast).

Since these are technical conservation measures, 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 organisms applies. The European Commission has been informed timeously in accordance with this article and no objections have been raised.

As Article 46 of Council Regulation 850/98 states that national measures for the conservation and management of stocks can be applied solely to the fishermen of the Member State concerned, these measures will apply only to landings from Scottish or other British fishing boats. While foreign fishing boats are therefore exempted, records show that they do not make landings of velvet crab, green crab or lobster into the Orkney Islands.

Stock Assessment

Marine Scotland Science assesses Scotland's fish stocks using F_{MSY} . F_{MSY} is the fishing mortality consistent with the largest average yield that can continuously be taken from a stock under prevailing environmental conditions.

F_{MSY} can be difficult to estimate, and proxies to it are often used. As it is not possible to directly estimate the maximum sustainable yield (M_{SY}) for these stocks, F_{MAX} (the fishing mortality rate that maximizes yield per recruit) is used as a proxy to F_{MSY} for these stocks.

The velvet crab and lobster stocks in the Orkney Islands are currently assessed to be fished at levels close to or above the F_{MSY} proxy. When a stock is fished above F_{MSY} , the scientific advice is that a higher yield and biomass in the long term could potentially be obtained from the stock by introducing measures to reduce the level of fishing mortality (effort).

Marine Scotland Science does not currently perform an assessment of the green crab stocks in Scotland. Introducing a minimum landing size will afford new protection to the spawning stock, along with an increase in weight, and could help to ensure a consistent market price in subsequent years.

Inshore Fisheries Groups

These measures were developed by Orkney Sustainable Fisheries Ltd (OSF), which is part of the Inshore Fisheries Group (IFG) network.

IFGs are non-statutory bodies have been established around the Scottish coast with the purpose of improving the management of Scotland's inshore fisheries through putting commercial fishermen at the heart of local fisheries management, and providing fishermen with a strong voice in marine management and regional marine planning matters.

As part of Marine Scotland's Inshore Fisheries Strategy, the Scottish Government seeks to support OSF through assisting in the implementation of management measures it develops.

Consultation

After reaching consensus among its membership and the wider local inshore fishing community, OSF made a formal request to Marine Scotland in 2014 to consult on these measures in order to improve the sustainability of Orkney's crab and lobster fisheries through the regulation of harvesting controls. A consultation on the proposed measures was held from 20 February 2015 to 15 May 2015.

A total of 46 responses were received, with the majority coming from individual Orkney fishermen. Most organisation responses were from the Orkney fishing industry, with others coming from Shetland and Outer Hebrides based organisations with an interest in local fisheries management, including:

- Orkney Creel Fishermen's Organisation
- Orkney Fisheries Association
- Orkney Fishermen's Society Ltd
- Orkney Sustainable Fisheries Ltd
- Outer Hebrides IFG
- Shetland Fishermen's Association
- Shetland Shellfish Management Organisation
- Western Isles Fishermen's Association
- Westray Processors

A majority of respondents were in favours of the consultation's proposals. A full list of those respondents who agreed to having their name published is attached to the consultation outcome report available from the Scottish Government website.

Impact Assessments

This instrument – which prescribes measures to restrict the landing sizes of velvet crab, green crab and lobster in the Orkney Islands, and the landing in Scotland of berried (egg-bearing) velvet crab caught in the inshore waters surrounding the Orkney Islands – has no effect on any equality issues.

Financial Effects

A Final Business and Regulatory Impact Assessment (BRIA) has been completed. The measures are expected to lead to initial decreases in the tonnage of velvet crab, green crab and lobster that can be caught commercially, as newly-undersized individuals will no longer be able to be legally landed.

However, the growth rates of these species means that, over the longer term, those newly-undersized individuals should be able to be caught at a larger size and weight. This should result in additional tonnage and value for these fisheries, above what is currently achieved.

The measures will not give rise to further costs to the Scottish Government. Enforcement will be achieved within the existing provision for Marine Scotland Compliance.

Scottish Government

Marine Scotland

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