

## POLICY NOTE

### THE REGULATION OF SCALLOP FISHING (SCOTLAND) ORDER 2017

#### SSI 2017/127

The above instrument was made in exercise of the powers conferred by sections 1(1), (4) and (6), 3(1), (2) and (4), 5, 20(1), 22(2) and 22A of the Sea Fish (Conservation) Act 1967 and section 5 of the Sea Fisheries Act 1968. The instrument is subject to negative procedure.

#### **Policy Objectives**

The purpose of the instrument is to introduce measures for the conservation of king scallops, in order to help improve the management of effort in the Scottish fishery, following an expansion in recent years, and to help increase the spawning stock biomass (the total weight of fish in a stock that are old enough to reproduce).

#### Minimum landing size increase

The minimum landing size of king scallops will be increased from 100 mm to 105 mm around the Scottish coast, excluding:

- The west coast of mainland Scotland south of 55°N (where an EU-set minimum landing size of 110 mm applies for ICES<sup>1</sup> Division VIIa);
- Shetland, which has distinct management arrangements under the Shetland Islands Regulated Fishery Order 2012 (where the minimum landing size will remain at 100 mm).

#### Dredge number restrictions

New management arrangements will be introduced to control and monitor dredge effort in Scottish waters. These arrangements will take the form of two alternative sets of measures.

Under the first set of measures, a fishing boat will be able to fish for king scallops under the following restrictions, and will be required to have a remote electronic monitoring system installed in order to ensure that these restrictions are not evaded:

- In the 0-6 nautical mile area within the Scottish zone, no more than 8 dredges can be deployed from each of the port and starboard sides of the boat (16 dredges in total).
- In the 6-12 nautical mile area within the Scottish zone, no more than 10 dredges can be deployed from each of the port and starboard sides of the boat (20 dredges in total).
- In the 12-200 nautical mile area within the Scottish zone, no more than 14 dredges can be deployed from each of the port and starboard sides of the boat (28 dredges in total).

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<sup>1</sup> International Council for the Exploration of the Sea

Alternatively, a fishing boat will be exempt from the requirement to have a remote electronic monitoring system installed if it meets the following conditions:

- While in the 0-12 nautical mile area within the Scottish zone,
  - the total length of any tow bar deployed does not exceed 7.5 metres,
  - no more than 2 tow bars are deployed at any time, and
  - no more than 8 scallop dredges are towed from each side of the boat at any time.
- While undertaking a single fishing trip for king scallops in which the boat dredges in both the 0-12 and 12-200 nautical mile areas within the Scottish zone,
  - the total length of any tow bar deployed does not exceed 7.5 metres,
  - no more than 2 tow bars are deployed at any time, and
  - no more than 8 scallop dredges are towed from each side of the boat at any time.
- The boat dredges solely in the 12-200 nautical mile area within the Scottish zone.

## **Consultation**

Marine Scotland issued a public consultation on management proposals for the Scottish king scallop fishery which took place from 9 October 2014 to 26 January 2015.

A total of 1,738 responses were received, of which 1,633 were from an online petition, and a further 47 from four organisations and one individual who each submitted multiple responses. The remaining 58 responses came from 31 individuals and 27 organisations.

A full analysis of the responses to the consultation is available in the outcome report: [www.gov.scot/Publications/2015/07/4226](http://www.gov.scot/Publications/2015/07/4226).

### Minimum landing size increase

The majority of respondents supported increasing the minimum landing size of king scallops from 100 mm. Increasing the minimum landing size to 105 mm takes account of the scientific advice, responses submitted to the consultation, and the impact that a larger size increase (e.g. to 110 mm) could have on catches.

### Dredge number restrictions

There was clear support for introducing a maximum tow bar length to limit boats to operating no more than 8 dredges per side within the 0-12 nautical mile area. However, a small number of boat owners raised concerns over the potential impact this could have on business viability.

Additional analysis recognised these concerns and therefore boats will be allowed to continue to fish with 10 dredges per side in the 6-12 nautical mile area, provided that they install a

remote electronic monitoring system. This will allow Marine Scotland to monitor the number of dredges used and the location of the boat.

## **EU Considerations**

### Marine Strategy Framework Directive

These management measures will help ensure that Marine Scotland fulfils requirements under the Marine Strategy Framework Directive which requires that commercially exploited shellfish are fished at levels associated with Maximum Sustainable Yield.

### Technical standards and regulations

The management measures include new technical regulations for the fishing industry, therefore Directive 2015/1535/EU relating to technical standards and regulations applies. The European Commission has been informed timeously in accordance with this Directive and no objections have been raised.

### Technical conservation measures

These are technical conservation measures, therefore 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 also applies. The European Commission has been informed timeously in accordance with this Article and no objections have been raised.

Article 46 of EC 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, therefore these measures will apply solely to Scottish or other British fishing boats. The most recent Scottish sea fisheries statistics report that there have been no landings of king scallops by foreign boats into Scotland during the five-year period from 2011-15.

## **Impact Assessments**

This instrument has no effect on any equality issues.

## **Financial Effects**

A Final Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. In summary the impacts of this policy on business are:

- Increasing the minimum landing size of king scallops is expected to cause a short-term reduction in landings. As king scallops take on average six months to grow from 100 mm to 105 mm, it is expected that most will become commercially fishable within one year.
- Boats may need to purchase remote electronic monitoring system to comply with new dredge management arrangements. The estimated cost is £5,000 to £6,000 per boat.
- Boat owners may be required to purchase new tow bars to comply with the new dredge management arrangements. The estimated cost is £1,200 to £1,800 per bar.

**Scottish Government  
Marine Scotland  
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