

## **POLICY NOTE**

### **THE INSHORE FISHING (PROHIBITION OF FISHING AND FISHING METHODS) (OUTER HEBRIDES) ORDER 2017**

**SSI 2017/48**

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

#### **Policy Objectives**

The purpose of the instrument is to update fishing prohibitions around the Outer Hebrides in order to offer protection to shellfish stocks and better reflect current fishing practices. These changes are in line with Marine Scotland's Inshore Fisheries Strategy of developing a more sustainable, profitable and well-managed inshore fisheries sector in Scotland.

The instrument applies to five different geographic locations around the Outer Hebrides and regulates fishing by restricting the use of certain fishing methods to specified periods during the year or prohibits the fishing method completely.

#### **Regional Inshore Fisheries Groups**

These measures were developed by Outer Hebrides Regional Inshore Fisheries Group (OH RIFG), which is part of the Regional Inshore Fisheries Group (RIFG) network.

RIFGs are non-statutory bodies around the Scottish coast whose purpose is to improve the management of Scotland's inshore fisheries by putting commercial fishermen at the heart of local fisheries management, and provide 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 RIFGs through assisting in the implementation of management measures they develop.

The instrument supersedes and revokes the following provisions in the Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 2004:

- (a) the entry relating to Loch Maddy to Stuley Island, listed as item 15 in column 1 of schedule 1 (prohibition of fishing for sea fish with mobile or active gear);
- (b) the entry relating to the Sound of Harris, listed as item 16 in column 1 of schedule 1;
- (c) the entry relating to Bragar to Dell, listed as item 2 in column 1 of schedule 2 (prohibition of fishing for sea fish with creels); and
- (d) the entry relating to Northern Barra, South Uist, Benbecula, North Uist and Harris, listed as item 4 in column 1 of schedule 2.

#### **Consultation**

After the OH RIFG reached consensus among its membership and the wider local inshore fishing community, Marine Scotland consulted on the introduction of the proposed measures

in November 2015. Stakeholders were allowed 8 weeks to comment and the consultation ended on February 2016.

There were 10 responses to the consultation with responses coming from: the fishing industry, nature conservation interests and individuals. A majority of respondents were in favour of the consultation's proposals. Where permission was granted, responses to the consultation can be accessed on the Scottish Government website.

Having taken account of all the responses to the consultation, Marine Scotland published notice of its intention to introduce these new management arrangements in December 2016.

### **Impact Assessments**

This instrument – which updates fishing prohibitions around the Outer Hebrides – has no effect on any equality issues.

### **Financial Effects**

A Final Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business is that some fishermen operating in the Outer Hebrides may lose access to fishing grounds during times of the year when fishing has been prohibited.

However, the policy will better complement current fishing practices by helping to ensure that shellfish are caught at times that are most suitable for market conditions. The policy will also help to protect local shellfish stocks during the times of the year when the prohibitions are in effect.

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**

**February 2017**