

POLICY NOTE

THE SHELLFISH (RESTRICTIONS ON TAKING BY UNLICENSED FISHING BOATS) (SCOTLAND) ORDER 2017

SSI 2017/57

The above instrument is made in exercise of the powers in Section 5(1)(b) and (2) of the Sea Fish (Conservation) Act 1967. The instrument is subject to negative Parliamentary procedure.

Policy Objectives

Marine Scotland noted that there was an increasing call from active licensed commercial fishermen to take measures to tackle the issue of unlicensed commercial fishing for shellfish. The instrument will restrict fishing from unlicensed fishing boats in the Scottish zone of specified description of shellfish, by introducing daily take limits for lobster, Nephrops, scallops and four species of crab.

Species	Catch Limit
Lobster	1
Nephrops	10
Crab (edible crab, green crab, spinous spider crab or velvet crab)	5
Scallops (king and/or queen scallops)	6

Consultation

The Scottish Government consulted during the summer of 2016 on the proposed take limits. It was clear from the responses to the consultation that there is support for the principle that unlicensed fishing boats which are not authorised to fish on a commercial basis should have restrictions in place to limit the number per species of shellfish that they can take. Giving consideration to the reasons for the original proposals and the responses received to those proposals, the catch limits set out in the consultation are the same as those contained in this Order. The intention of the catch limits is to allow genuine hobby fishermen to pursue their hobby but prevent unlicensed fishing boats from taking shellfish on a commercial basis, under the guise of hobby fishing activity.

Impact Assessments

The instrument will have no effect on any equality issues.

Financial Effects

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

The Order will have no impact on licensed commercial fishing activities. A Business Regulatory Impact Assessment has been prepared in relation to the Order and placed in the Scottish Parliament Information Centre.

**Scottish Government
Marine Scotland
February 2017**