

## **POLICY NOTE**

### **THE SHETLAND ISLANDS REGULATED FISHERY (SCOTLAND) ORDER 2012**

#### **SSI 2012/348**

The above instrument is made in exercise of the powers in section 1 of the Sea Fisheries (Shellfish) Act 1967. The instrument is subject to negative Parliamentary procedure.

#### **Policy Objectives**

Regulating Orders allow local communities to apply for the right to manage their local fisheries. The Shetland Islands Regulated Fishery (Scotland) Order 2012 grants the Shetland Shellfish Management Organisation (SSMO) the legal right to regulate (manage) the commercial fisheries for oysters, mussels, cockles, clams, lobsters, scallops, queens, crabs, whelks and razorshells around the Shetland Islands within the area between the low water mark out to the 6 mile limit. The SSMO have carried out this task over the past 13 years under the Shetland Islands Regulated Fishery (Scotland) Orders of 1999 and 2009.

The new Order will continue the regulatory regime in place under the existing Shetland Islands Regulated Fishery (Scotland) Order 2009 which will expire on 31<sup>st</sup> January 2013. Failure to make a new Regulating Order would create the potential for a regulatory vacuum. The new Order will effectively maintain the regulatory status quo when it comes into force, for a period of 15 further years. This period was chosen given the good track record of the SSMO in managing the fishery and provides a long period of stability.

#### **Consultation**

The SSMO consulted extensively with the local community as part of their application process.

A draft of the proposed Regulating Order was consulted upon as is required in terms of Schedule 1 to the Sea Fisheries (Shellfish) Act 1967. Schedule 1 to that Act also requires the proposed Order to be published. Details of the proposed Order were advertised in the local newspaper (The Shetland Times) on 20 July 2012. A period of four weeks was provided for receipt of representations and no objections were raised.

#### **Financial Effects**

Under both the 1999 and 2009 Orders and the proposed Order, the grantees (SSMO) may issue licences to vessels to fish, take or dredge. Under the 1999 Order, they could levy a toll of £100 and this was increased to £150 in the 2009 Order. Scottish Ministers have agreed that this toll be increased to £250, and this level of toll is set out in the proposed Order. The income generated by the tolls is used to fund the management of the fisheries regulated under the Order by the Shetland Shellfish Management Organisation. A Business Regulatory Impact Assessment has been prepared in relation to the Order and placed in the Scottish Parliament Information Centre.

**Marine Scotland**  
**28 November 2012**