

POLICY NOTE

THE SEA FISH (PROHIBITED METHODS OF FISHING) (FIRTH OF CLYDE) ORDER 2019

SSI 2019/419

1. This Order was made in exercise of the powers conferred by sections 5(1)(a) and (2), 15(3), 20(1), 22(2) and 22A of the Sea Fish (Conservation) Act 1967. The Order is subject to the negative procedure.

Purpose of the Instrument

2. To protect cod in the Firth of Clyde from being fished during the spawning period on a recognised spawning ground. This is in response to the International Council for Exploration of the Sea (ICES) advice on the poor state of cod stocks in ICES area 6a (west of Scotland) and ICES area 7a (Irish Sea).

Policy Objectives

3. The purpose of the Order is to protect cod stocks in the Firth of Clyde at a crucial time in their life cycle by prohibiting fishing effort during their spawning season. As the Order adopts measures for the conservation of fish stocks, the Order is made in accordance with Article 19 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy.
4. The Order prohibits fishing within a specified area of the Firth of Clyde from 14 February until 30 April, in both 2020 and 2021. Certain methods of fishing are exempt from the prohibition. The closed area is split into two zones. In the larger and more easterly zone (specified in Article 3(1)(a) of the Order and diagonally hatched on the illustrative map), scallop dredging, creel fishing and trawls for Norway lobsters are permitted throughout the closure period. In the smaller zone, which is a strip of water at the mouth of the Clyde (specified in Article 3(1)(b) of the Order and horizontally hatched on the illustrative map), there is no exemption for Norway lobsters trawls, but scallop dredging and creeling is permitted.
5. Article 2(2) of the Order describes that a trawl is deemed to have been used for the purpose of fishing Norway lobsters if the catch retained on board a fishing boat is at least 30% by weight of Norway lobsters. The previous wording of Article 2(2) of the Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2017 has been changed in the Order due to the repeal of Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms, but remains the same in substance.
6. The Order is not to be read as allowing any fishing for sea fish in any part of the area described in Article 3(1)(a) which is otherwise prohibited by the South Arran Marine Conservation Order 2015.
7. The Order will apply to British fishing boats that fish in the area.

Consultation

8. The Scottish Government consulted with key stakeholders regarding this proposal in August and September 2019. Stakeholders were allowed 3 weeks to comment and the consultation ended on 20 September 2019.
9. There were 13 responses to the consultation from fishing industry representatives and conservation bodies. All except one of the responses agreed that the closure should be continued in 2020/21. Some of the responses called for a wider review of the closure and exemptions, along with consideration for a wider package of measures.
10. Provisions for such a closure have been set in place annually since 2002 and key stakeholders have been consulted each year.

Financial Effects

11. This Order has no bearing on quota, which remains unchanged, and the closure should not prevent skippers from catching their full quota over the duration of the year. At most, the proposed closure may lead to a reduction in fish landings for its duration, and therefore may affect incomes on a temporary basis. The fishermen should not be financially disadvantaged overall. In addition, this closure should protect the stock so that in future years there is a benefit to all fishermen. Due to the complex and varied nature of the mixed fishery it has not proved possible to calculate exact figures for any possible catch changes.
12. The Order will not give rise to further costs to the Scottish Government. Enforcement of this Order will be achieved within the existing provision for Marine Scotland Compliance.
13. A seasonal closure of the specified area in the Firth of Clyde has applied since 2002. A Business and Regulatory Impact Assessment has been completed.

Scottish Government
December 2019