

POLICY NOTE

THE SEA FISH (PROHIBITION ON FISHING) (FIRTH OF CLYDE) ORDER 2024

SSI 2024/6

The above instrument was made in exercise of the powers conferred by sections 5(1)(a) and 20(1) of the Sea Fish (Conservation) Act 1967. The instrument is subject to the negative procedure.

Summary Box

The aim of the closure is to restrict fishing activities in the Firth of Clyde so as to provide protection to spawning cod within that area during their spawning period to provide them with the best opportunity to reproduce. Scientific research suggests that any activity causing disturbance within 10m of the seabed has the potential to impact on spawning activity.

Policy Objectives

The purpose of the Order is to protect spawning cod stocks in the Firth of Clyde at a crucial time in their life cycle by prohibiting fishing activity during their spawning season. The Scottish Ministers make the Order in exercise of the powers conferred by sections 5(1)(a) and 20(1) of the Sea Fish (Conservation) Act 1967.

The Order prohibits fishing within two areas of the Firth of Clyde from 14 February until 30 April, in both 2024 and 2025. A prohibition on fishing covered the same area for the spawning period in 2022 and 2023. This closure was put into effect through The Sea Fish (Prohibition on Fishing) (Firth of Clyde) (No. 2) Order 2022. A prohibition on fishing covering a larger area in the Firth of Clyde has been in effect between 14 February and 30 April every year since 2001. Up until 2022, vessels fishing only with a scallop dredge, creels or a trawl used for fishing Norway lobsters were exempt from the prohibition on fishing. Given the scientific evidence showing that activity causing disturbance within 10m of the seabed has the potential to negatively impact on spawning, in 2022 these exemptions were removed to allow cod the best possible chance of successful spawning.

The Order prohibits all fishing activity within the following two areas of the Firth of Clyde from 14 February until 30 April, in both 2024 and 2025.

Part 1 - North Area:

A	55° 30.000' N	005° 05.472' W
B	55° 30.000' N	005° 00.000' W
C	55° 23.820' N	005° 00.000' W
D	55° 23.820' N	005° 24.600' W
E	55° 30.000' N	005° 24.600' W
F	55° 30.000' N	005° 19.947' W

Part 2 – South Area:

A	55° 25.713' N	005° 32.426' W
B	55° 26.100' N	005° 31.920' W
C	55° 17.220' N	005° 16.860' W
D	55° 10.680' N	005° 14.700' W
E	55° 12.960' N	005° 08.940' W
F	55° 13.860' N	005° 00.000' W
G	55° 06.797' N	005° 00.000' W
H	55° 00.000' N	005° 02.496' W
I	55° 00.000' N	005° 05.170' W
J	55° 00.000' N	005° 10.120' W
K	55° 00.000' N	005° 21.000' W
L	55° 17.962' N	005° 47.914' W
M	55° 25.088' N	005° 33.303' W
N	55° 25.392' N	005° 33.065' W

The 2024 and 2025 closure is the same as the closure provided for by The Sea Fish (Prohibition on Fishing) (Firth of Clyde) (No. 2) Order 2022 for the 2022 and 2023 spawning periods. The Order revokes that Order, the provisions of which had expired in any event.

The Order will apply to British fishing boats that fish in the relevant areas though, in effect, this means that the closure will apply to all fishing vessels and fishing activity as the areas fall within territorial waters.

Consultation

A public consultation took place from 30 June to 22 September 2023. The Scottish Government received 47 responses to this consultation. These included 36 responses from individuals and 11 responses from organisations. In addition, we received two further submissions via email which did not follow the format of the consultation questions but supported the principle of the closure. Responses will be published online where permission has been granted by the respondent.

This is a very polarised topic and responses to the consultation were wide ranging. 55% were in favour of the closure continuing for 2024 and 2025. Whilst there was an overall majority in favour of the continuation of the closure, those organisations representing the fishing industry disagreed with its continuation without the reintroduction of exemptions for certain methods of fishing.

Having considered the wide range of stakeholder comments and given that the best available scientific evidence shows that any activity causing disturbance within 10 metres of the seabed can negatively impact spawning cod, we are confident that prohibiting all fishing activity within the closure area allows the spawning cod the best possible protection at a critical point in their life cycle and therefore the best possible chance of increasing in numbers and making a positive contribution to the broader recovery of cod stocks. Monitoring carried out by Marine Directorate Compliance during the 2022 and 2023 closure indicated very few spawning cod being caught in the open area surrounding the Clyde closure area. This data

suggests either, that the closure is in the correct area for spawning or, there are not many cod in the Clyde. In the absence of more specific scientific evidence showing the abundance or otherwise of cod in the proposed closed area, Ministers are required to take a precautionary approach to ensure the conservation of the species. They have decided therefore to maintain the closure prohibiting all forms of fishing activity during the closure period.

Impact Assessments

A Business and Regulatory impact assessment has been completed and is attached. There are no equality/children's/privacy impact issues. As this SSI has been rolled over and is not a new policy no SEA or Islands Impact Assessment has been carried out.

EU Alignment Consideration

This instrument supports and maintains alignment with the EU's principles of environmental sustainability and fisheries management. Spatial closures are commonly used in the EU to protect juvenile and spawning fish. EU vessels are not impacted by this closure as it applies inside Scottish territorial waters.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impacts of this policy on businesses have a significant range due to the uncertainty surrounding the potential impacts as explained in the BRIA in section 6.2.1. but the maximum and expected costs portrayed are estimated to be conservative estimates. The BRIA notes that based on fishing activity data this group has seen a range of outcomes in 2022, with some being displaced to other areas and maintaining their catch, some unable to displace activity and catching less. When accounting for the wider impacts on the Nephrops fishery, and based on the impact of the closure in 2022, it could be as little as a 2% drop in landings. If the fishing fleet can maintain this level of adaptability in displacing their activity from the Clyde closure area, the impact on the fishing vessels and economy as a whole could be a little as £19,000 per annum.

Scottish Government
Marine Directorate

11 January 2024