

# **Consultation on The Proposed Introduction of New Statutory Scallop Fishing Management Measures**

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## **CHAPTER 1: INTRODUCTION**

- 1.1 This consultation seeks views on the proposed introduction of new statutory management measures for the Scottish scallop sector with the intention of safeguarding scallop stocks, securing future fishing opportunities for the scallop fleet and moving to more closely aligned measures between Scotland and England. It is believed the proposed measures will benefit what can be a highly nomadic fleet, help to reduce costs and deliver simplification and standardisation of management measures.
- 1.2 The intention is that future management measures would be put in place subject to this consultation. The measures would apply to Scottish and British fishing vessels. The consultation will last for 12 weeks commencing on 23 January 2012 with a deadline of 16 April for responses.
- 1.3 The purpose of this consultation document is to seek the views of those with an interest in the Scottish scallop sector to inform Marine Scotland's management proposals for the sector.

## **CHAPTER 2: PURPOSE OF THE CONSULTATION**

### **2.1 What are we consulting about?**

2.1.1 The purpose of this consultation is to seek the views of stakeholders, fishermen's associations and other relevant organisations, businesses and individuals with an interest in the Scottish scallop industry on the proposed introduction of new statutory management measures.

### **2.2 Why are we consulting?**

2.2.1 To inform our management proposals.

### **2.3 Who might be affected by the proposals?**

2.3.1 The scallop catching, processing and retail sectors and consumers of fish products.

### **2.4 What will be the financial impacts?**

2.4.1 It is not envisaged that the new proposals will involve significant new public expenditure, regulatory costs or costs to industry.

### **2.5 How will the views be taken forward?**

2.5.1 The views and suggestions provided in consultation responses will be analysed and used as part of the decision making process. Final decisions on the issues under consideration will also take account of a range of other factors, including any other available information and research evidence.

### **2.6 By when are comments requested?**

2.6.1 Comments are requested by 16 April 2012.

## **2.7 What comments are requested?**

2.7.1 The Scottish Government welcomes your comments on the proposals and your responses to the following questions taken from Chapter 3.

**Question 1: Do you support the introduction of a flat rate 8 per side limit on dredges within the 12 nautical mile zone?**

**Question 2: Do you support the removal of restrictions on dredges outside 12 nautical miles of the Scottish coast?**

**Question 3: Do you support exempting from regulation, attachments to dredges whose purpose is to increase the safety and speed with which dredges can be handled?**

**Question 4: Would you support the introduction of a phased increase in the minimum landing size for scallops from 100mm to 105mm and then to 110mm?**

**Question 5: Do you agree that all scallops landed into Scotland and carried within the Scottish zone must comply with the Scottish minimum landing size?**

We are inviting written responses to this consultation paper by 16 April 2012  
Please send your completed response to:

[Scallopconsultation@scotland.gsi.gov.uk](mailto:Scallopconsultation@scotland.gsi.gov.uk)

Or

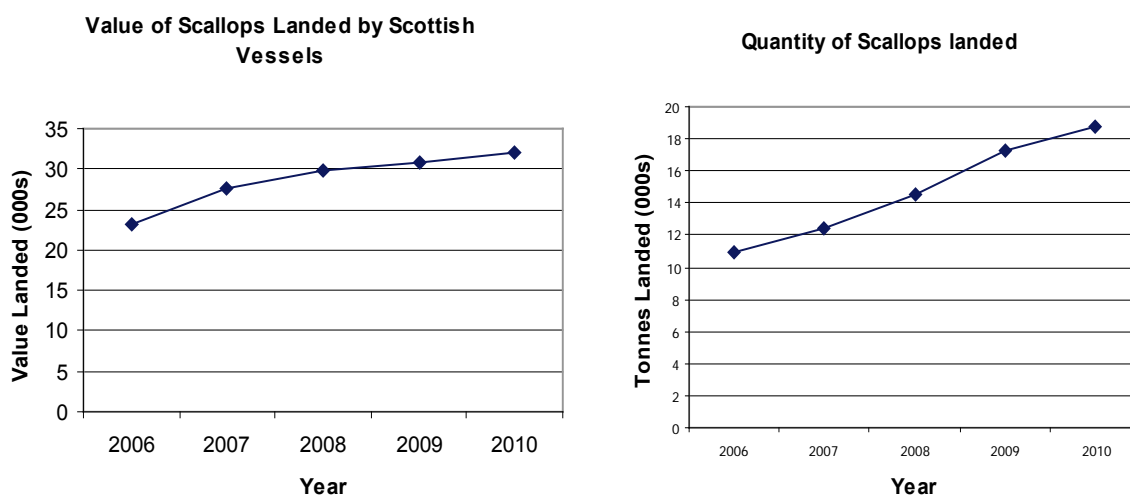
Malcolm MacLeod  
Marine Scotland  
The Scottish Government  
Area 1B  
Victoria Quay  
Edinburgh  
EH6 6QQ

The Scottish Government may make the responses to this consultation paper available to the public and to the Scottish Parliament. We will acknowledge responses and may publish an analysis of the responses after the consultation. If you respond to this consultation you are requested to complete the enclosed responded information form attached. This will ensure that we handle your response appropriately.

## **CHAPTER 3: CONSULTATION ON THE PROPOSED INTRODUCTION OF NEW STATUTORY MANAGEMENT MEASURES FOR THE SCALLOP SECTOR**

### **Introduction:**

3.1 King scallops are one of Scotland's most valuable species with £31.9 million worth landed in 2010 by Scottish vessels – an increase of nearly £9 million from 2006. The year 2010 saw Scottish vessels land 18,700 tonnes of the species - an increase of nearly 8,000 tonnes from 2006.



*Graph 1: Value and landings of scallops landed by Scottish vessels.*

3.2 The Prohibition of Fishing for Scallops (Scotland) Order 2003 (SSI 2003/371) ("the 2003 Order") introduced limits on the number of scallop dredges that could be towed on either side of a vessel depending on how far away from the Scottish coast the vessel was fishing.

3.3 Larger Scottish scallop dredgers, like other such UK based vessels, travel all around the coast of the UK. Given the nomadic nature of this part of the industry, it is seen as beneficial that more closely aligned measures across the UK are pursued. More closely aligned measures will assist in preventing the problem of displacement – where tighter restrictions in one part of the UK mean vessels move to another part where regulation is more favourable.



## **Proposed Package of Measures**

### **Summary**

To safeguard the Scottish scallop industry for the future and to ensure equality in scallop technical regulations between Scotland and England we propose the following measures:

- Restrict the number of scallop dredges that can be towed within 12 nautical miles of the Scottish coast to 8 per side;
- Remove the current limit on the number of scallop dredges that can be towed beyond 12 nautical miles of the coast;
- Exempt from regulation, attachments to dredges whose use is to increase the safety and speed of handling/tipping the dredge;
- A phased increase to the minimum landing size for scallops.

#### **4. Gear Restriction**

4.1 The 2003 Order saw the introduction of an 8 dredge per side restriction between 0-6 nautical miles from the coast and a 10 dredge per side limit for vessels fishing between 6-12 nautical miles of the coast of Scotland. In order to discourage larger vessels with the capability of fishing with more dredges from targeting the area within the 12 mile zone and to standardise the rules we are proposing making this zone 8 per side only. This will help to promote sustainable stocks for the smaller scale fleet whose fishing activities are more restricted by the distance of the fishery from home port and weather.

**Question 1: Do you support the introduction of a flat rate 8 per side limit on dredges within the 12 nautical mile zone?**

4.2 The 2003 Order limited the use of scallop dredges outside 12 nautical miles of the coast of Scotland to a maximum of 14 dredges per side. As part of a joint Anglo-Scottish approach to technical restrictions, we intend to lift this limit. This will ensure that British fishing vessels operating outside 12 nautical miles of the coast are not subject to restrictions on the number of scallop dredges which would/do not apply to vessels of other EU member states. This proposal delivers equality of treatment both at a UK and EU level.

4.3 If introduced, the lifting of restrictions on the number of dredges that can be used out with 12 nautical miles will be kept under review and, if necessary, consideration will be given to their reintroduction and engaging with other EU member states on the need to do the same.

**Question 2: Do you support the removal of restrictions on dredges outside 12 nautical miles of the Scottish coast?**

## **5. Attachments to a scallop Dredge**

5.1 The 2003 order prohibits the use of a dredge in the Scottish zone to which anything has been attached, which attachment obstructs in whole or in part the rings or netting on any part of the dredge. This is because attachments can limit the size of the belly rings, reducing selectivity and increasing the likelihood of catching undersize scallops or fish. There is scope, however, to exempt attachments used to increase the safety and speed of handling/tipping the dredge.

5.2 We propose that the intention of the 2003 Order is clarified by stating that attachments for the purposes of safe handling of the dredge are not prohibited.

**Question 3: Do you support exempting from regulation, attachments to dredges whose purpose is to increase the safety and speed with which dredges can be handled?**

## **6. Increasing the minimum landing size of Scallops**

6.1 One of the primary reasons for setting a minimum landing size (MLS) is to permit sufficient numbers of individuals to survive to maturity in order to reproduce and to safeguard the production of future generations. The size at which scallops reach maturity is dependent on growth rates and therefore the MLS needs to be set to reflect typical growth rates.

6.2 In order to safeguard scallops for future generations we intend to introduce a phased increase in the minimum landing size of scallops. The first increase would take effect from the coming into force of a new Scallop Order and would see the minimum landing size for scallops increase from the current 100mm to 105mm. The next increase would see the minimum landing size increase from 105mm to 110mm, taking effect two years after the increase of the minimum landing size to 105mm.

**Question 4: Would you support the introduction of a phased increase in the minimum landing size for scallops from 100mm to 105mm and then to 110mm?**

6.3 As stated previously, the scallop industry can be highly nomadic and can see vessels fish in different territorial waters around the UK. This can create policing problems where a vessel begins a fishing trip in an area with one minimum landing size and then moves to another area with different landing size restrictions. In order to facilitate effective enforcement, we propose that all scallops landed into Scotland and which are carried in the Scottish zone must comply with the Scottish minimum landing size.

**Question 5: Do you agree that all scallops landed into Scotland and carried within the Scottish zone must comply with the Scottish minimum landing size?**

## Responding to this consultation paper

We are inviting written responses to this consultation paper by 16 April 2012

**Please send your response with the completed Responder Information Form to:**

[Scallopconsultation@scotland.gsi.gov.uk](mailto:Scallopconsultation@scotland.gsi.gov.uk)

Or

Malcolm MacLeod  
Marine Scotland  
The Scottish Government  
Area 1B  
Victoria Quay  
Edinburgh  
EH6 6QQ

If you have any queries contact Malcolm MacLeod on 0131 244 4421 or by email at: [Malcolm.macleod@scotland.gsi.gov.uk](mailto:Malcolm.macleod@scotland.gsi.gov.uk)

We would be grateful if you would use the Responder Information Form provided or could clearly indicate in your response which questions or parts of the consultation paper you are responding to as this will aid our analysis of the responses received.

The **Respondent Information Form** is available online

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at: <http://www.scotland.gov.uk/consultations>.

The Scottish Government now has an email alert system for consultations (SE consult: <http://www.scotland.gov.uk/consultations/seconsult.aspx>). This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). SE consult complements, but in no way replaces SG distribution lists, and is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

### Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public.

Please complete and return the **Respondent Information Form** as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for

information relating to responses made to this consultation exercise.

### **Next steps in the process**

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library (see the enclosed Respondent Information Form).

You can make arrangements to view responses by contacting the SG Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

### **What happens next ?**

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision.

### **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to:

Malcolm MacLeod

Marine Scotland

The Scottish Government

Area 1b, Victoria Quay

Edinburgh

EH6 6QQ

Email: [Malcolm.macleod@scotland.gsi.gov.uk](mailto:Malcolm.macleod@scotland.gsi.gov.uk)

## **ANNEX A: The Scottish Government Consultation Process**

Consultation is an essential and important aspect of the Scottish Government's working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. In general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a consultation paper inviting answers to specific questions or more general views about the material presented. Consultation papers are distributed to organisations and individuals with an interest in the issue, electronically or in hard copy and are placed on the Scottish Government's consultations webpage to allow for participation from a wider audience.

All Scottish Government consultation papers and related publications (e.g., analysis of response reports) can be accessed at <http://www.scotland.gov.uk/consultations>

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

**While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.**

## **ANNEX B – LIST OF CONSULTEES**

Aberdeen FPO  
Clyde Fishermens Association  
Clyde IFG  
Coastguard  
Community of Arran Seabed Trust  
COSLA  
Crown Estate  
Cumbria IFCA  
DARD  
DEFRA  
Dumfries and Galloway Council  
Fife Fishermen's Association  
Fishermens Association Ltd  
Galloway Static Gear Fishermen's Association  
Isle of Man Government  
Klondyke Fish Producers Organisation  
Lunar Fish Producers Organisation  
Mallaig and North West Fishermens Association  
Manx Fish Producers' Organisation  
Marine Conservation Society  
Marine Stewardship Council  
Ministry of Defence  
Moray Firth IFG  
NESFO  
North West IFG  
Northern Fish Producers Organisation  
Northern Ireland Scallop Association  
Northern Irish Fish Producers Organisation  
Orkney Fish Producers Organisation  
Outer Hebrides IFG  
RSPB Scotland  
Scallop Association  
Scottish Fish Producers Organisation  
Scottish Fishermen's Federation  
Scottish Natural Heritage  
Scottish Sea Angling Conservation Network  
Scottish White Fish Producers' Association  
Sea Angling Federation  
Seafish  
Shetland Fish Producers Organisation  
Small Isles and Mull IFG  
South East IFG  
South West Fish Producers Organisation  
UKAFPO  
Welsh Government  
West of Scotland Fish Producers Organisation  
Western Isles Fishermen's Association  
WWF Scotland

# Consultation on the Proposed Introduction of new Statutory Scallop Fishing Management Measures



## RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

Organisation Name

Title Mr  Ms  Mrs  Miss  Dr  *Please tick as appropriate*

Surname

Forename

### 2. Postal Address

<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
Postcode	Phone	Email

### 3. Permissions - I am responding as...

Individual

Group/Organisation

*Please tick as appropriate*

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

*Please tick as appropriate*  Yes  No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please tick ONE of the following boxes*

Yes, make my response, name and address all available

*or*

Yes, make my response available, but not my name and address

*or*

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

*Please tick as appropriate*  Yes  No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

*Please tick as appropriate*  Yes  No

## CONSULTATION QUESTIONS

### 5. Main Consultation Questions

**5.1 Do you support the introduction of a flat rate 8 per side limit on dredges within the 12 nautical mile zone?**

**5.2 Do you support the removal of restrictions on dredges outside 12 nautical miles of the Scottish coast?**

**5.3 Do you support exempting from regulation, attachments to dredges whose purpose is to increase the safety and speed with which dredges can be handled?**

**5.4 Would you support the introduction of a phased increase in the minimum landing size for scallops from 100mm to 105mm and then to 110mm?**

**5.5 Do you agree that all scallops landed into Scotland and carried within the Scottish zone must comply with the Scottish minimum landing size?**





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