

24/1

6
For Fish/8/8
& Fish/8/7
with copy to
me psc
H

1. PS/Minister of State
2. PS/Secretary of State

copy [redacted]
 PS/US of S
 PS/DAFS
 [redacted]
 Director, SIO

THE INSHORE FISHING (SCOTLAND) ACT 1984: RESTRICTIONS ON SEA FISHING IN INSHORE WATERS

1. This minute seeks Ministers' approval of proposals for restrictions on sea fishing in Scottish inshore waters (as illustrated at Annex A); invites their agreement to the line to be taken on other proposals put forward by the fishing industry; and asks for approval of the arrangements for consulting the fishing industry on the revised proposals. Once the formal consultation period is completed, any restrictions would be imposed by means of an order under section 1 of the Inshore Fishing (Scotland) Act 1984. Clearance of these proposals will enable us to carry out the formal consultations during February and early March, with a view to having the order in place during May.

Background

2. With the enactment of the Inshore Fishing (Scotland) Act last year [redacted]
 [redacted]
 It is also now possible to take action to alleviate the conflicts which can arise in some areas between mobile gear fishermen using trawls, seine nets and other mobile gear and static or passive gear fishermen operating with pots, creels or lines. As you will recall, the Secretary of State issued [redacted]
 [redacted]
 [redacted], and invited comments on the proposals from the fishing industry. A considerable number of such comments have been received.

Voluntary Agreements

3. During the Parliamentary passage of the 1984 Act, Ministers gave an undertaking to reconsider the need for statutory static gear reserves in any area where the industry was able to develop a voluntary agreement to govern the interaction of mobile gear and static gear fishermen which commended itself to the fishermen in that area. Since last June the Scottish Fishermen's Federation (SFF) has been engaged in a series of meetings with other organisations within the fishing industry in an attempt to reach such voluntary agreements. They "quartered" Scottish inshore waters into four zones - south-west, north-west (further subdivided into mainland and western isles), north-east, and south-east - and brought together the associations working in these areas. The Federation have done a conscientious piece of work and have enjoyed a fair measure of success. They have reached agreements to cover the waters around Oban, along the north-west coast and in the north-east between Inverness and Fraserburgh. They have not, however, been totally successful in the Western Isles and on the east coast south of Aberdeen.

4. The precise details of the voluntary agreements vary from area to area, but in general they involve the establishment of an "Area Access Management Committee" made up of representatives of all the fishermen who operate in the area. The Committee is responsible for drawing up a Code of Practice on the conduct of fishing operations to govern relations between the two sectors of the fleet, and for resolving any conflict which does arise, although in some places this day to day activity has been delegated to local Port Committees. For example, there are committees in ports such as Mallaig, Ullapool and Lochinver. In the north-west and in Fraserburgh the organisations involved have established a fund to cover the legal costs of any static gear fisherman who is forced to resort to a civil action to obtain compensation for damage to gear from any mobile operator who has failed to abide by the Code of Practice. The compensation to be paid will be determined by the local committee.

5. The Department has maintained close contact with the SFF during this process. We still harbour some doubts about how the system will work in practice, and are sceptical whether the various junior partners to these agreements will feel well treated under them. Nonetheless we believe Ministers should give a fair wind to these arrangements meantime. We have told the industry that the Department cannot enforce any voluntary agreement: that will properly be a matter for the parties concerned to resolve. We have also made it clear that the Government will still have the power to introduce statutory measures if the voluntary agreements break down.

Proposed Restrictions on Fishing

6. We had a final meeting with the SFF last month and it is now clear that no further substantive progress is likely by way of voluntary agreements. The stage is set for the Secretary of State to issue revised proposals for statutorily restricted areas which take account of the SFF's achievements and of other comments submitted by the industry. These revised proposals will form the basis for the statutory consultation process which we are obliged to carry out under section 1 of the 1984 Act.

7. The map at Annex A illustrates these proposals, which are described in more detail in the accompanying list. The intention is that all mobile fishing gear, that is trawls, Danish seines or similar nets, purse seines, ring nets or dredges, should be prohibited in each of the given areas during the period specified. An exception to this prohibition will be allowed for vessels carrying out scientific investigations, and in some areas for vessels fishing for particular species such as sandeels or scallops. No distinction is drawn between static gear reserves and juvenile fish nursery areas, since in many cases the designated areas can be justified on both socio-economic and conservation grounds. We have also proposed a ban on lobster fishing in Scapa Flow: this is discussed in more detail below.

Industry's Reaction

8. The revised proposals are likely to be generally welcomed by the industry, although there will probably be some criticism on points of detail. The restricted areas proposed last year have been reduced in the light of the industry's comments and following a review of the scientific case for some of the juvenile fish nursery areas. Certain areas are being maintained to provide some protection for local static gear fishermen.

9. In particular the majority of the industry will welcome the removal of the proposed reserve in Loch Linnhe and the change in the closure of the West Coast sea locks from being a full year measure to only a winter closure (in line with the former provision in the EC Conservation Regulation). They will also welcome the removal of the nursery areas and reserves proposed for the waters between Inverness and Fraserburgh. Our proposals for the Western Isles are likely to receive a mixed reaction, since they represent a compromise between the demands of the Western Isles Fishermen's Association and the concessions acceptable to members of the SFF. Similarly our revised proposals for the east coast between Aberdeen and Arbroath will be welcomed in some quarters but not in all. Here we have had to take care to put forward proposals which we believe can be effectively enforced. The new reserves off Orkney and the Berwickshire coast are in response to requests from the local fishermen's organisations.

Other Proposed Restrictions on Fishing

10. Apart from commenting on some of the details of the revised proposals, the various fishermen's organisations are likely to repeat their requests for other restrictions on fishing generally aimed at safeguarding the particular interests of their members. In some cases there is disagreement within the industry over these proposals. It would be helpful in our future discussions with the industry if we could have Ministers' agreement to the line we propose to take on the matters below.

- (a) A prohibition on beam trawling within the 6 miles limit has been proposed by the SFF and others on the basis that this method of fishing disturbs the sea-bed and is detrimental to the state of the fish stocks. So far we have resisted this proposal on the grounds that there is [redacted] to support the fishermen's contention. There is no doubt that beam trawling is a very efficient method for capturing flatfish, but there are as yet few beam trawlers in the Scottish fleet. The SFF's concern seems more one of seeking to maintain the status quo rather than a response to a genuine danger. It is also illogical on the part of the SFF, who represent members prosecuting a variety of methods, to single out one method to be proscribed, since in general the majority of SFF members wish to have "freedom of the seas" at least within UK waters. We believe it would be wrong on the basis of current evidence to prevent Scottish fishermen from developing beam trawling (which is in any case subject to EC size and power restrictions in the 12 mile belt) if they wish to do so. We therefore recommend that Ministers continue to [redacted] this proposal.

- (b) A prohibition on pair trawling around Shetland and Orkney has been advocated by the Shetland Fishermen's Association, supported by the Orkney Fisheries Association. Again this argument is based on a contention that pair trawling is detrimental to the sea bed and fish stocks, and is incompatible with other demersal fishing methods. Once more there is [redacted] to support this view.

[redacted]

Any such ban would be strongly opposed by the Scottish White Fish Producers' Association (SWFPA) representing the north-east fishing fleet. We would recommend that this proposal too should be [redacted]

- (c) Vessel length restrictions have been advocated by various constituent associations of the SFF. The Shetlanders and Orcadians favour a ban on vessels over 80' fishing within 6 miles of Shetland and Orkney; the Clyde Fishermen's Association wishes to restrict fishing in the Firth of Clyde to vessels under 70'; the Firth of Forth Association prefers a limit of 55'; whilst Mallaig and North-West Fishermen wish a restriction of 80' to apply to the Minch. [REDACTED]

[REDACTED] As might be expected, the SFF is unable to reach a consensus view on this matter and we can expect representations from the various associations on these points during the formal consultation period. For our part we believe there is no scientific justification for these restrictions, since catching capacity is not solely a function of vessel length. Furthermore such artificial limits might well hinder the evolution of local fleets, with vessels being built to qualify for preference rather than to exploit the full range of fishing opportunities available to them. We would recommend against making any concessions on this point.

- (d) A prohibition on lobster fishing in Scapa Flow during the summer has been advocated by the Orkney Fisheries Association, who believe it will help the lobster stocks in the area to recover. It must be recognised that such a ban would tend to favour full-time fishermen over the part-timers, since the former could more easily fish other waters during the closed period, but it does not prevent part-timers from fishing entirely as for instance a licensing scheme might. The biological basis for the closure is uncertain, since it will depend on how the pattern of the fishery changes, but there is some hope of a beneficial effect for the stocks. Certainly such a proposal would be well received in Orkney. We see merit in such a closure being proposed on an experimental basis and have included it in the list at Annex A.
- (e) Protection for sea angling by restricting the activities of commercial fishermen has been advocated by various interests, particularly in the south-west in regard to Loch Ryan and Luce and Wigtown Bays. The line that has been taken up to now is that whilst the importance of sea angling as a tourist attraction in some areas is recognised, it does not justify restrictions being placed on commercial fishermen. In general sea anglers can exploit areas which are not accessible to commercial fishermen. We would recommend that the Department should continue to maintain this line.

Salmon Matters and Monofilament Gill nets

11. I should mention that consideration is presently being given to the use of the powers in the Inshore Fishing (Scotland) Act 1984 in relation to fishing for salmon. A separate submission will be put forward on this subject in due course.

12. During the passage of the Act through Parliament Ministers announced, when introducing Section 2, that they were considering the use of the powers in that section to prohibit the carriage of nylon monofilament gill nets in order to reduce the incidence of illegal salmon fishing. Such a proposal is not included in this submission because we feel that it should be treated separately, not least because Orders under Section 2 of the Act require the prior approval of the EEC Commission whereas the Orders proposed in this submission require only to be notified to [REDACTED].

13. We intend therefore to discuss the prohibition in the context of the other salmon-related Orders which will be put before Ministers in due course, although the 'monofilament' Order will be separate from these and will be subject to a separate consultation exercise. It is, however, worth noting that the reaction from the fishing industry to the proposal during the informal consultations we have had with them so far has been wholly negative. We are therefore trying to frame an Order which, through seasonal or geographical exemptions, allows some legitimate fishing with this type of net to continue.

Consultations

14. Section 1 of the 1984 Act provides that before making an order under that section regulating fishing in inshore waters, the Secretary of State must consult such bodies as he considers appropriate. If Ministers are content with the present proposals we would recommend that comments should be formally invited from the Scottish Fishermen's Federation, the Highlands and Islands Fishermen's Association (SG), the Western Isles Fishermen's Association, and the Orkney Fisheries Association. These organisations will be invited to submit their views in writing within a period of 6 weeks from the date of the consultation letter.

15. In addition to the formal statutory consultation we would recommend that the proposals be issued as a press release so that other fishermen may become aware of what is being discussed. It is likely that we shall receive representations from some of the constituent associations of the SFF during this period, as well as from individuals and other interested parties.

Notification to European Commission

15. The necessary Orders fall into the category of national measures which we require to notify to the EEC Commission (under Article 20 of the Conservation Regulation, as amended). We do not however require to seek their prior approval for the Orders.

Conclusion

16. I would be grateful for Ministers' early clearance of these proposals so that we can proceed to consult the industry with the minimum of delay. Accordingly I would invite the Minister of State and the Secretary of State to agree to:

- (1) the proposal for restrictions on fishing with mobile gear as described in paragraph 7 and Annex A;
- (2) the proposal for restricting lobster fishing in Scapa Flow as described in paragraph 10(d) and Annex A;
- (3) the line to be taken in regard to other proposals for restrictions on fishing as described in paragraph 10(a), (b), (c) and (e); and
- (4) the procedure for consultations with the industry as described in paragraphs 14 and 15.



24 January 1985



DAFS
Division J, Rm 411
Ext 2427

cc. Mr McEwen
Mr McEwen
Mr McEwen
Mr McEwen, Collector's Office
Mr McEwen

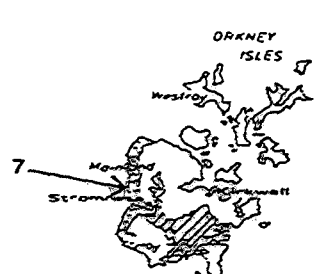
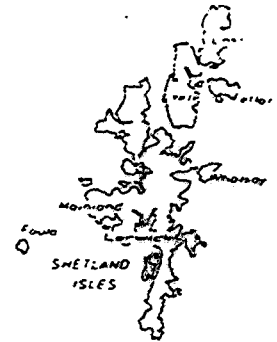
INDUSTRIAL FISHING (SCOTLAND) ACT 1984

PROPOSED PROHIBITIONS ON FISHING


RESTRICTIONS ON USE OF MORMIE GEAR

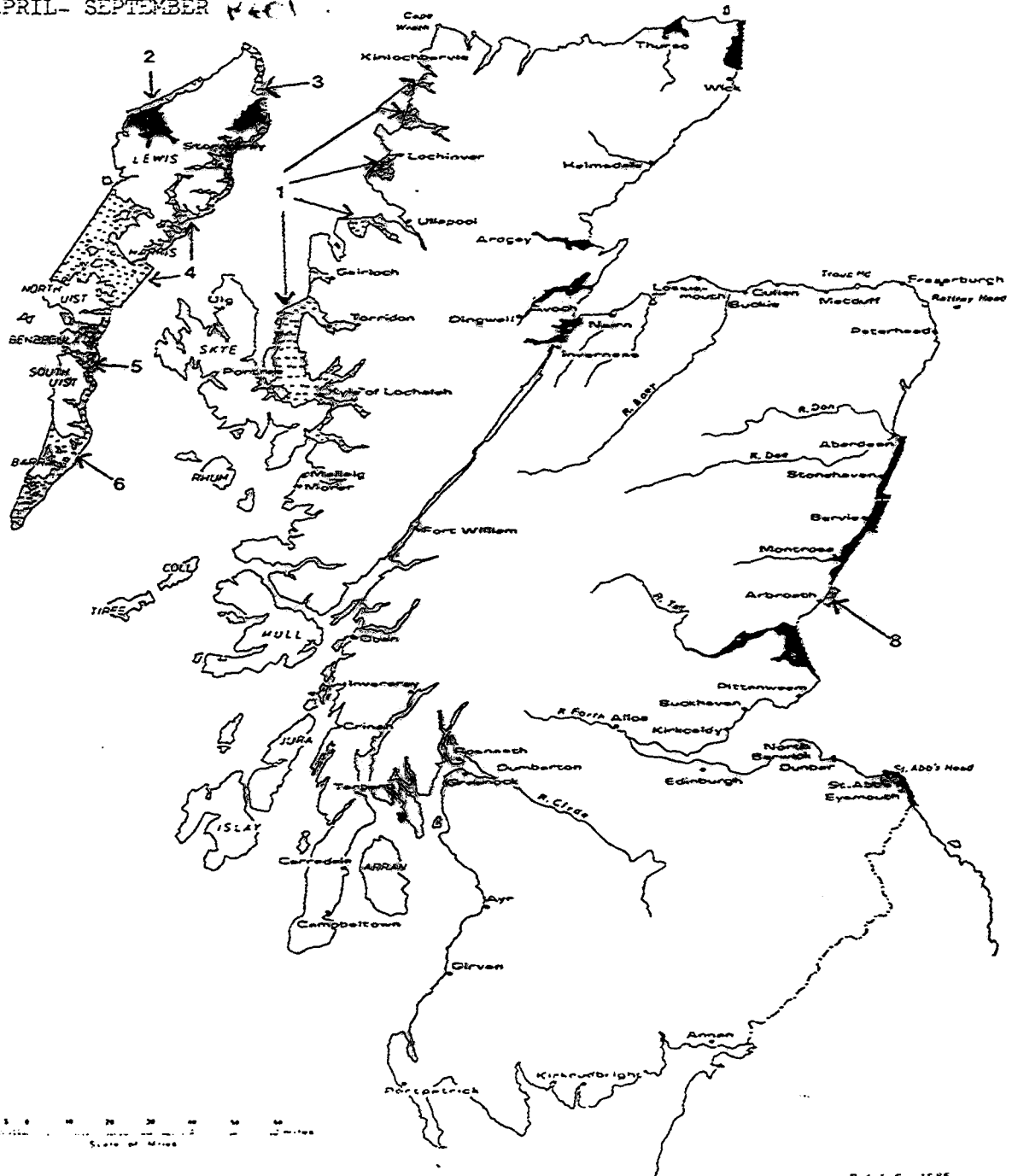
-  FULL-YEAR CLOSURE - GULL
-  SPECIAL CLOSURES

- (1) Closed October-March
- (2) Closed May-October
- (3) Closed March-September
(except sandeels & scallops)
- (4) Closed March-September
- (5) Closed March-October
(except scallops)
- (6) Closed March-October
(except scallops & sandeels)
- (7) Closed May-September
- (8) Closed August-February



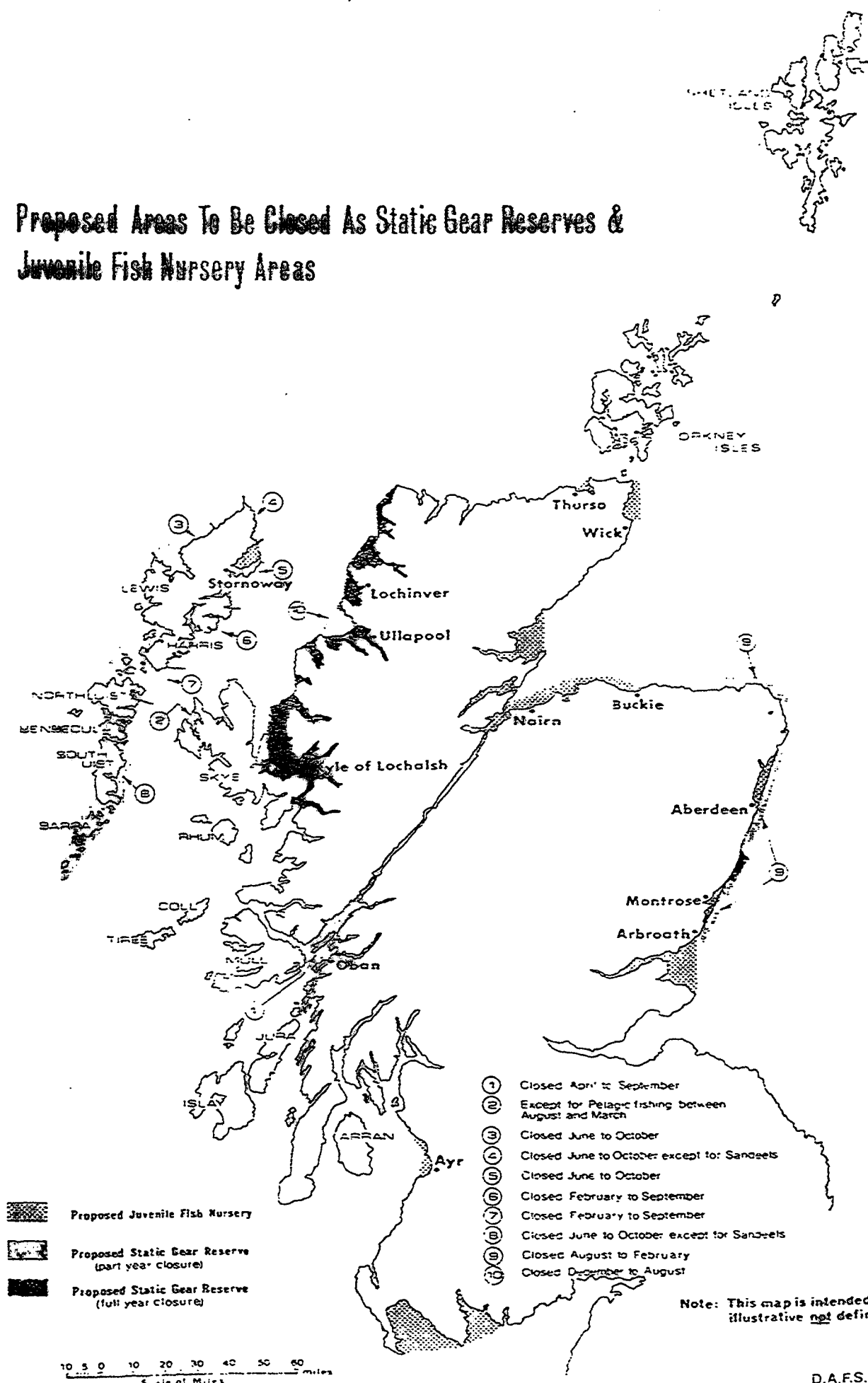
RESTRICTIONS ON LOBSTER FISHING

-  APRIL- SEPTEMBER



Scale of Miles
0 5 10 15 20 25 30

Proposed Areas To Be Closed As Static Gear Reserves & Juvenile Fish Nursery Areas



Note: This map is intended to be illustrative not definitive.

[Redacted]

13/9

For Feb 7/8/8
but check if there is
a copy in Feb 2/87

[Redacted] (av)

Notes

Copy

[Redacted]

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12/9

INSHORE FISHING (SCOTLAND) ACT 1984

I refer to my minute of 5 September.

I now attach a copy of the letter we have recently received from the SFF as a follow up to our meeting with them. Also attached is a copy of their note of the meeting which is in general a fair view of our discussions. We were, however, less dismissive of the possibility of some voluntary agreement being reached in area 2A, and we did not say that the Secretary of State would ban the use of nylon monofilament nets within 6 miles but rather that he was considering restricting their carriage.

[Signature]

[Redacted]

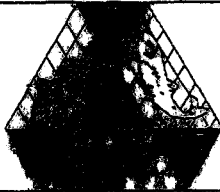
J1
Room 431A
Ext 2582

7 September 1984

11 SEP 1984

1984

58 Enc



SCOTTISH FISHERMEN'S FEDERATION

Chief Executive/Secretary

35 Albert Street
Aberdeen
AB1 1XU
Tel: 0224-641981

Your Ref:

[Redacted]

*Draft reply attached
11/8*

Our Ref: RA/TC

31st August, 1984

[Redacted]
Department of Agriculture and Fisheries for Scotland,
Chesser House,
Gorgie Road,
EDINBURGH.
EH11 3AW

THE INSHORE FISHING (SCOTLAND) ACT 1984

I am writing as a follow-up to the Meeting which we had with you in Chesser House on 21st August, in the light of the outcome of that Meeting having been reported to a Meeting of the Executive Committee of the Federation which was held in Edinburgh on the Friday of that week.

The purpose of my letter is to set down our understanding of the position reached to date in the matter of consultation between the Department and the Federation on the implementation of the Inshore Fishing (Scotland) Act 1984, and to point to the areas where further consideration or action is required by either ourselves or you, and no doubt you will let me know of any areas of disagreement on your part with what follows.

In the first place I think it would simplify this correspondence if I let you have the enclosed copy of my Administrative Officer's Note of the outcome of our Meeting with you on Tuesday of last week, on the basis that this should not, of course, be regarded as a formal submission to the Department but merely as a Position Paper. In this respect two further points require to be made, the first that we have assumed that all of what we said to you under the various headings of our discussion on Tuesday, 21st August has been noted by the Department and does not require a formal follow-up in writing, and secondly, that the substance of the enclosed Note was, as I have said, considered by the full Executive Committee of the Federation subsequent to our Meeting with you and, where appropriate, the comments which follow will update the position where necessary.

On this basis then the present position of the Federation is as follows:-

- (i) We shall do our utmost to arrange within the next month or so the further internal and external consultations which we have identified as being necessary in order to complete the Federation's overall submission to you in connection with the implementation of the Act, but, as was expressed to you at our recent Meeting, this timetable is somewhat tight, and we would be grateful for your indulgence in extending this to, say, mid-October, as we would very much like you to have a total picture from the Federation before you proceed to make your recommendations to Ministers.

Members: Clyde Fishermen's Association Fife Fishermen's Association The Firth of Forth Fishermen's Association
Mallaig & North-West Fishermen's Association Scottish Pelagic Fishermen's Association Limited Scottish Pelagic
Fishermen's Association Limited Salesmen's Section The Scottish White Fish Producers' Association Limited
The Scottish White Fish Producers' Association Limited Salesmen's Section Scottish Fishermen's Association

- (ii) More specifically, and dealing with the question of what replacement or alternative Inshore Fisheries Legislation we might be proposing to you to go in place of the various length limitation Bye-Laws, etc., which are to be repealed by the Secretary of State, you will see from the enclosed Note that a number of aspects of this matter fall to be resolved at Constituent Association level in the first instance, and in the hopeful assumption that they are so resolved, the Federation will make a further submission on this aspect of the Act as soon as possible; alternatively, if it proves impossible to reconcile the views of any of our Associations in this respect, those concerned will no doubt make their independent representations to the Department.
- (iii) We shall come back to you in due course with any further comments which we may have in relation to those Fish Nursery Area proposals where the attached Note indicates our intention to subject these to further examination and, conversely, we would be very grateful indeed to have from your Department your further thoughts in regard to the Fish Nursery Area proposals to which we have referred in the first paragraph of Item 3 of the attached Note, and, more specifically, your confirmation of intention to delete or modify the proposals indicated in that paragraph would be most helpful; additionally, it would be of assistance if you could indicate whether or not the Department itself has had any further thoughts on the proposals for Nursery Areas in Broad Bay or in the Beaully, Inner Moray and Cromarty Firths, and whether, for example, you feel that there would be any merit in us discussing the latter group with the Marine Laboratory Scientists.
- (iv) Turning to the matter of the Government's proposals for Statutory Static Gear Reserves and dealing with these on our Area by Area approach, it is confirmed that a further meeting will be held in Area 1 as soon as possible with a view to tying up all of the loose ends, setting up a properly constituted Committee and regularising the position regarding the Mull and Oban Fishermen's Associations. Area 2A (Mainland) was identified as an obvious problem Area at our recent meeting, but I can tell you that as a result of an approach which we have now received from the Cape Wrath Shellfish Company, arrangements are in hand to set up a limited meeting in the first instance between Representatives of that Company and a delegation from the Constituent Associations of the Federation with vital interests in this Area, and as and when this meeting takes place, and in the assumption that it proves to be fruitful, the conclusions thereof would then be taken to a full Area 2 (Mainland) meeting; in the event that this particular consultation fails, however, I would be grateful if you would note that we would wish to put to you, before completion of your report to Ministers, our proposals for regulating the position in this Area, as an alternative to those presently envisaged by the Secretary of State.

In regard to Area 2B (the Outer Isles), and in the light of our present impasse in the discussions with the Western Isles Fishermen's Association, we stand by the counter-proposals for Statutory Static Gear Reserves which we put to you on 21st August, but we still retain the hope that it might indeed be possible to resume negotiations with the Western Isles and will keep you informed of any further progress here. We have concluded from our recent meeting with you that Area 3 presents no real difficulty and we trust that the Department is giving sympathetic consideration to the detailed proposals which we put to you for Area 4, on the basis that, if endorsed by D.A.F.S., these would be put into effect on a Statutory basis. One qualification needs to be added in respect of Area 4 and this is to the effect that the additional Statutory Static Gear Reserve proposed by the Eyemouth and Burnmouth Fishermen's Associations is to be the subject of further discussion between the Fife and Firth of Forth Fishermen's Associations, and we shall revert to this particular matter as soon as this dialogue has taken place.

N/A

- (v) The Executive Committee of the Federation, whilst noting the reservations expressed by the Department regarding our request for an extension of the existing Prohibition on Beam Trawling activities out to six miles under the powers available to the Secretary of State for Scotland under the new Act, nevertheless reaffirmed their wish to pursue this line and I would be grateful if you would note this accordingly.
- (vi) The S.F.F. Executive Committee has also taken some considerable exception to the expressed intention of the Government to invoke the relevant powers under the 1984 Act to ban the use of Monofilament Nets in Scottish Inshore Waters, and I have been asked to register with you our objection to this proposed course of action on the ground that Monofilament Nets are used in certain areas from time to time for legitimate commercial fishing purposes and it is therefore quite wrong to contemplate the blanket use of this power in this way to deal with what is admitted to be a problem of controlling illegal fishing for Salmon.

I think that the foregoing summarises where we have got to in this particular matter at this stage, and I would assure you of our intention to expedite the remaining consultative processes with a view to the Federation completing its submission to you certainly by not later than mid-October. If there is anything in what we said to you on 21st August or in the substance of this letter which requires further clarification or which calls for comment from the Department, I shall be pleased to hear from you accordingly. Otherwise it would be helpful to know that you are prepared to exercise some tolerance in the matter of your original 30th September deadline.

Yours sincerely,



Chief Executive/Secretary

SCOTTISH FISHERMEN'S FEDERATION

INSHORE FISHING (SCOTLAND) ACT 1984
POSITION REACHED AFTER CONSULTATION WITH DAFS

1. Timetable for implementation

The Government is aiming to introduce the Act with effect from the 1st of January, 1985 and DAFS propose to complete the informal consultation and have views to Ministers by the end of September. The formal consultative procedure will be carried out during October, the orders printed in November and before Parliament in early December. The Federation representatives asked for more time during the consultative period particularly to consider alternatives to the legislation to be replaced and thought an additional two months would be necessary.

2. Alternative/Replacement Legislation

- (a) Where replacement legislation is being proposed DAFS will only consider using "length of vessel" as the criteria for restricting fishing effort if the Industry can justify a case for doing so, and would be prepared to use either overall length or registered length depending on what the Industry preferred. As all existing bye laws were made in overall length, this criteria would be favoured.
- (b) The Federation and its Constituent Associations have to finalise their views on the following:-
 - (i) The request by the Clyde Fishermen's Association to restrict vessels in excess of 70 feet (overall length) from fishing in the Firth of Clyde. The SPFA has objected to this proposal.
 - (ii) The Firth of Forth Fishermen's Association has requested that replacement legislation be introduced to maintain the present restriction on the respective sizes of vessels trawling and seining in the Firth of Forth. The Association further requests that one form of length limitation be applied to both methods of fishing.
 - (iii) The SWFPA is to consider if there is a need for alternative legislation to apply to the Moray Firth and/or other areas on the East coast of Scotland.
 - (iv) The Federation and/or its Constituent Associations have to consider if any further replacement legislation is required.

3. Fish Nursery Areas

As a result of representations made by the Federation DAFS is prepared to delete, or modify the extent of the Fish Nursery Areas proposed for Ayr and Irvine Bays, Luce Bay, Wigtown Bay, Aberdeen Bay and Montrose and Lunan Bays and to further consider the nursery areas proposed for Spey, Burghead and Nairn Bays, St. Andrews Bay and the Dornoch Firth in the light of the alternative ideas offered by the S.F.F.

The Federation is to further consider the nursery areas proposed for Broad Bay (extent of area and species to be protected), Beaully, Inner Moray and Cromarty Firths (it was suggested that the Federation may discuss these proposed nursery areas with Government scientists who advised DAFS that these areas were important nurseries for West of Scotland herring) and to await the SWFPA comments on the Sinclair, Thurso and Dunnet Bay nursery areas. The SWFPA is also to consider the proposed Spey, Burghead and Nairn Bay nursery areas.

4. Static Gear Reserves

(a) Area 1

Within this area there is an agreement that it is unnecessary to create a Static Gear Reserve in Loch Linnhe. A committee of all the interested parties will be formed to manage access etc. and Mull Fishermen's Association (who have hitherto not been involved in the discussions)

meeting will be held to finalise arrangements.

(b) Area 2A

A comprehensive committee covering all interests was formed in this area under which sub-committees composed of 3 static/3 mobile gear fishermen would monitor the local situation at Ullapool, Lochinver and Mallaig. Arrangements had been made for marking of gear etc. and all the parties had agreed that there was no need for Static Gear Reserves.

DAFS indicated they were not prepared to accept voluntary agreements in this area as previous difficulties here indicated that they were unlikely to be adhered to. Strong arguments in favour of Static Gear Reserves were submitted by Cape Wrath Shellfish Company.

The Federation is left to consider the possibility of meeting with Cape Wrath Shellfish Company and to discuss compromise proposals whereby agreement may be given to a reduced extent of the areas to be included as either full/part year Static Gear Reserves on a statutory or voluntary basis.

The West Coast Sea Loch Closure which the Government propose to reintroduce will apply to several of the sea lochs proposed as reserves in this area from 1st of October to 31st of March each year. (NB The proposed part year reserves in Loch Dunvegan and around the Summer Isles were included in this area consultations and not in the Western Isles area as previously indicated in the S.F.F. paper of 10th August, 1984.)

(c) Area 2B

The meetings between SPFA Limited and the Western Isles Fishermen's Association had not resulted in agreement as the WIFA wished the part year closures proposed by the Government (shown at (d) to (h) in the consultative paper) to apply over a greater part of the year whereas the SPFA, while prepared to accept part year closures in the Western Isles sought agreement to them being applicable for a shorter period of the year than proposed, with the exceptions for sand eel fishing in areas (d) and (h) being retained.

The part year closure proposed for Loch Roag (c) was agreed subject to access being obtained for sand eel fishing.

The Pelagic Association was prepared to compromise in one or two cases by agreeing to longer periods of closure but wished the 3 mile limit proposed in area (g) to be reduced to a 1 mile limit. The Federation requested that access for clam dredging (in season) be made in area (h) and undertook to obtain further information on any agreement reached with the Western Isles Fishermen's Association and the SWFPA.

The Department noted the different positions expressed on behalf of the Federation and its Constituent Associations with that of the Western Isles Fishermen's Association and agreed to consider both sets of proposals. The Federation would decide whether any further discussion with the WIFA would be of benefit.

(d) Area 3

On the basis of the agreement obtained between the different interests in this area and on the adoption of a code of practice for handling disputes DAFS agreed that the proposed part year reserve from Troup Head to Rattray Head would be deleted. It was noted that the Fraserburgh branch of the SWFPA was prepared to meet the court expenses of a case which involved a static gear fisherman (whether or not in membership of the SWFPA) in conflict with a mobile gear fisherman if no compensation was paid on a voluntary basis.

(e) Area 4

DAFS noted the suggested alternatives put forward to the part year closure Skares/Crawton Ness area (j) and on the full year closure Crawton Ness/Gourdon area (h) and indicated that while these would be sympathetically considered the proposed smaller areas were generally not favoured as they were more difficult to control. These alternative reserves would have to be introduced on a statutory basis as a commitment to a voluntary agreement between the various parties appeared unlikely.

DAFS noted the Federation proposal that the part year reserve Gourdon to Arbroath area (k) be reduced to Red Head to Arbroath.

The request for an additional reserve proposed by Eyemouth and Burnmouth Fishermen's Association was also noted by DAFS.

DAFS undertook to consider a suggestion that there should be dawn to dusk fishing only along the coastal strip from Skares to the Northerly end of the Montrose Bay plaice nursery, with that coastal strip being defined as 2 miles from the shore.

5. Other Matters

(a) Beam Trawling

DAFS responded to the Federation's request that beam trawling within 6 miles be prohibited, by stating that there were no scientific arguments to justify such a ban and that it could not be proved that beam trawlers cause significant damage to the sea bottom or to fish stocks. Existing legislation which made certain restrictions would be improved when proposed EEC legislation became effective.

(b) Monofilament Nets

DAFS confirmed that under powers in the Inshore Fishing (Scotland) Act the Secretary to State will ban the use of monofilament nets within 6 miles of the coast. The Federation was invited to comment on or make representations against this measure.

1/18/7/R/A

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[REDACTED]

copy to [REDACTED]
[REDACTED]
[REDACTED]

INSHORE FISHING (SCOTLAND) ACT 1984: STATIC GEAR RESERVES AND NURSERY AREAS

1. In the absence of any letter from the SFF formally advising us of the outcome to date of the consultation exercise they are conducting within the industry on alternatives to our proposals, I thought it would be helpful if I summarised the points which emerged from our discussions with [REDACTED] et al, on 21 August. Copy recipients, particularly [REDACTED] and [REDACTED], may welcome the opportunity to give us their initial reactions to the changes to our initial proposals which the SFF are now suggesting.

2. In general the SFF were hopeful that they would achieve a sufficient measure of local agreement in most areas to justify at least a reduction in the number of static gear reserves. [REDACTED] did, however, ask for more time to enable them to complete their consultation exercise and, in particular to allow the Federation to agree on which parts of the existing regime being repealed by the Act they would wish to see continue, eg restrictions on vessel lengths in some coastal waters. For our part we indicated a greater willingness to consider amendments to some of the proposed nursery areas than had hitherto been the case. The specific proposals are listed below.

3. SOUTH WEST (SFF AREA I)

(1) Wigtown and Luce Bays The SFF suggested maintaining the existing derogation to allow boats under 40' to fish in Luce Bay all year and extend this to apply in Wigtown Bay. We agreed to consider. We are already considering replacing these nursery areas with seasonal static gear reserves.

(2) Ayr and Irvine Bays The SFF oppose the closure of this area. We indicated that this particular proposal will probably be dropped.

(3) Loch Linnhe The SFF advocate no reserve here, a position they claim is supported by most of the local full-time static gear fishermen. Instead they propose access to this and the area around Mull and Oban be administered by a local committee comprising of representatives of all fishermen in the area. A voluntary code of practice based on that of the SWFPA is to be adopted.

4. NORTH WEST MAINLAND (SFF AREA II)

West Coast Sea Lochs It was claimed that a meeting of the CFA, MNWFA, SWFPA, SPFA, HIFA and local fishermen had agreed to adopt the SWFPA voluntary code of practice and set up a committee to settle policy on access to the area. Sub-committees were to be established at Lochinver, Ullapool and Mallaig to act as communication points and resolve any problems between individual fishermen on a day-to-day basis. HIFA apparently want a further meeting to clarify certain points of detail but were understood to have accepted the principle. On this basis it was felt that the proposed full year closures of certain mainland lochs and the partial closures of Loch Dunvegan and around the Summer Isles were no longer necessary.

We noted the position with interest, but pointed out that the existing winter

closure of some of the West Coast sea lochs would continue on conservation grounds for the foreseeable future. We also suggested they discuss the proposals for the Lochinver area with the Cape Wrath Shellfish Co who appeared to represent most, if not all, the local static gear men. We indicated there may, however, be some room for movement from the present proposals.

5. WESTERN ISLES (SFF AREA II)

Discussions between the SPFA on behalf of the SFF, and WIFA have apparently broken down. Both sides accept the need for seasonal reserves in this area but disagree on their extent and dates of operation. The SPFA proposals, which WIFA refuse to accept as a basis for discussion are as follows:

- (1) Loch Roag Accepted subject to access for sandeel fishery at appropriate season.
- (2) Butt of Lewis to Tolsta Head Propose closure from 1 March-31 August, again with exception for sandeels.
- (3) Broad Bay Closure generally accepted
- (4) Tolsta Head - Kebockhead Propose 1 March-31 August closure
- (5) Kebock Head - Rubha Quidnish Propose 1 March-31 August closure
- (6) Rubha Quidnish to Lochmaddy and Grinish Point to Hashinish Point Again propose closure from 1 March to 31 August and area only to extend out to 1 mile from baselines.
- (7) Lochmaddy to Barra Head Propose 1 March-31 August closure. Asked if Curachan Bank was within closure area.

SPFA may also want access to sandeels for all the above areas, and there is a need they suggest to allow access for clam dredgers in season to the areas north and south of Staley Island and between Wiay Island and Barra Head. We noted the proposals without comment.

6. NORTH EAST (SFF AREA III)

- (1) Dunnet, Thurso and Sinclair's Bays No observations although the SWFPA may return with comments on these and the need for restrictions in the Moray Firth generally.
- (2) Dornoch Firth Suggested smaller area within a line from Tain to Dornoch Point. We agreed to consider.
- (3) Cromarty Firth Proposed smaller area within line from Balblair Point to Invergordon Pier.
- (4) Beaully and Moray Firths Reduce to line from North Ferry Pier to South Ferry Pier, ie allowing access to inner Moray Firth.

In view of the importance of conserving herring stocks we indicated there would be little movement on the Department's part on both of the above amendments.

(5) Spey, Burghead and Nairn Bays A smaller area was proposed to cover the sea within a mile offshore between Portnockie and Findhorn. We agreed to consider this.

(6) Troup Head to Rattray Head A meeting of static gear and mobile gear fishermen had apparently agreed to adopt the SWFPA code of practice and establish a committee representative of the various interests. The Fraserburgh branch of the SWFPA had agreed to fund a claim for damages by static gear men through the courts if compensation for damage was not forthcoming on a voluntary basis. On this basis they advocated the removal of this reserve. We agreed there was a strong case for the removal of this restriction.

No proposals were yet forthcoming for restrictions around Orkney or Shetland.

7. ABERDEEN AND SOUTH EAST (SFF AREA IV)

Meetings between the SWFPA, Gourdon Fishermen's Association and other local gill netters had indicated that a voluntary arrangement was not acceptable and some form of reserves were needed although these should be amended from the DAFS proposals.

(1) The Skares to Girdle Ness The need for a static gear reserve in this area was not accepted by either party of fishermen and should be deleted. We accepted this.

(2) Aberdeen Bay The SFF wanted access to the area for vessels below a certain size using large mesh nets. We indicated that the need for this reserve at all was under review and it may be dropped.

(3) Girdle Ness to Stonehaven The SFF proposed a full year reserve along a half-mile coastal strip between these two points with two additional areas being designated as reserves from 1 August to 28 February. These areas extend out to 2 miles from the shore, are some 1.6 nautical miles along each side and lie off Nigg Bay and Garron Point (near Stonehaven).

(4) Stonehaven to Crawton The SFF propose

(a) A half mile coastal strip subject to closure for the full year between Stonehaven and Mons Craig;

(b) Full year static gear reserve within 2 miles of the shore bounded by a line drawn south-east of Mons Craig and a line drawn south-south-east from Leap Ness at Inverbervie.

(c) Thence a half-mile coastal strip from Leap Ness to Johnshaven, again as a reserve for the whole year.

(5) Johnshaven to Arbroath The SFF support the proposals put forward by the Arbroath Fishermen's Association for this area. That envisages a closure for the full year of Montrose and Lunan Bays between Johnshaven and Red-Head and a partial year closure from 1 August to 28 February in the area bounded by a line drawn 2 miles SE of Red-Head and a line drawn out to 2 miles SE of Arbroath.

(6) St Andrews Bay The SFF propose that the area west of a line from Fife Ness to Buddon Ness should be closed for the whole year. We agreed to consider this.

(7) Burnmouth to Eyemouth The SFF support the proposal put forward by the local branch of the Firth of Forth Fishermens Association for a full year closure of the area between Eyemouth and the border shown on the attached chart.

(8) In addition to the foregoing, the industry have asked that there should be only dawn to dusk fishing in the coastal strip between Girdleness and Johnshaven out to 2 miles from the shore. They are also considering the question of vessel length restrictions in some areas notably the Firth of Forth and Firth of Clyde. For convenience I attach a copy of the latest draft of the SWFPA's code of practice.

(9) I appreciate that the descriptions of some of the areas above are not precise. They will, however, serve to illustrate the industry's thinking and allow us to consider our initial reaction. I would imagine that [REDACTED] and [REDACTED] would particularly wish to comment on the areas on the East Coast and I would be happy to discuss these with them.

[REDACTED]
Room [REDACTED]

Ext [REDACTED]

5 September 1984

7/8/72

[Redacted]

Pl. consider.

[Redacted]

Copy: [Redacted]

[Redacted] 47.

PROPOSED AREAS TO BE CLOSED TO MOBILE GEAR

I refer to [Redacted] letter of 16 April on which [Redacted] asked for comments.

[Redacted] has rather exaggerated the position when he claims that exclusion from the areas he mentions will result in the demise of the scallop/queen fisheries. There are still a number of grounds unaffected by the Inshore Bill viz North Irish Sea, West of Kintyre and around Orkney and Shetland. Nevertheless exclusion from the areas quoted by [Redacted] is bound to have an effect on scallop landings, and some vessels could turn over to fishing for demersal species putting further pressure on these stocks. Perhaps we could consider a licensing scheme for vessels with a historic record in scalloping.

I have asked fishery officers to comment on the areas to which [Redacted] is seeking access and they have responded as follows:

FISH NURSERY AREAS

(d) Spey Bay, Burghead Bay, Nairn Bay etc

Deposits of scallops have been located 2 miles off Spey Bay and 2 miles off Nairn, within and on the edge of the nursery areas. However, as yet they have not been taken in sufficient quantity to make the fisheries viable. No scallop fishing takes place in Burghead Bay and it is not known if stocks are present.

(e) Beaully and Inner Moray Firths

No scallop fishing takes place in these areas.

(f) Cromarty Firth

There are small deposits of scallops in the Riff Buoy area which is on the edge of the nursery area. No dredging is carried out as the fishery is not considered viable.

Four years ago mussel dredging was carried out in the Cromarty Firth, but did not prove profitable and no dredging has taken place since.

(g) Dornoch Firth

There are deposits of scallops within the proposed nursery area but are not presently fished because catch rates are not viable. There are, however, well stocked mussel beds in the Firth, off Tain, which were successfully fished up to 2 years ago. No fishing has taken place recently because of a dispute over leasing. The beds belong to the local authority. There were no reports of conflict between dredgers and static gear fishers.

(g) Broad Bay

Scallop grounds in Broad Bay are limited and have only been fished by small local boats (under 35') during winter months when bad weather prevented them from creeling.

Only 0.7 tonnes were recorded as coming from this area in 1983 and about 5 tonnes have been landed in 1984 to date. There has been a minor increase in effort and up to half a dozen small boats could take part next winter.

(k) Ayr and Irvine Bays

One or two vessels fish sporadically for scallops in Ayr Bay throughout the year. The bay is therefore of some significance to scallopers. There is no record of conflict with static gear men.

Irvine Bay was once a popular ground for queenies but has not been fished for a number of years. Fishermen report finding only empty shells in the area. There were complaints of damage to static gear by unidentified fishing vessels in 1983.

(l) Luce Bay

Up to 3 boats dredge in an area about 6 miles ENE from Drummore from December to February inclusive. As static gear operations are at a low level at this time it is unlikely there will be conflict between the methods. In the past damage to static gear has been unattributable and has normally occurred during the Spring-Autumn period.

(m) Wigtown Bay

We have no reports of this area being fished for scallops.

STATIC GEAR RESERVES - FULL YEAR CLOSURE

(a) Cape Wrath to Am Balg and Rubha Ruadh

We had no record of scallop fishing in this area until the end of April since when an Oban vessel has been taking small catches in the Sound of Handa. The beds are stated to be small and non viable to a fleet of dredgers. There is no record of conflict with static gear fishermen.

(b) Eddrachilis Bay

(c) Enard Bay

(d) Gruinard Bay and Loch Broom etc

(e) Loch Ewe

(f) Loch Gairloch

All these areas are fished to some extent on a small scale by scallop dredgers. There have been no reports of conflict with static gear and the majority of fishermen are of the opinion that both methods can work in harmony.

(g) The Inner Sound etc

Vessels occasionally fish for scallops from Red Point round Sgeir na Trian and in towards the mouth of Craig River mainly from March to May. Occasionally fishing also takes place in the Inner Sound from the south side of the Butec Range to Applecross Bay, mainly during the winter months. Grounds in the Sound of Sleat, from Sandaig Island to the mouth of Loch Hourn are fished regularly from October to May.

Small boats work for queenies at the narrows of Loch Carron and Kyleakin in October and November. Although a small scale fishery it helps at a time when creeling for nephrops is generally poor.

There have been no reports in recent years of damage to static gear by scallop dredgers.

STATIC GEAR RESERVES - PARTIAL YEAR CLOSURE

(b) Loch Dunvegan

Scallopers fish along the west side, around Isay Island and Ardmore Point towards Hallin, mainly in the winter when weather is unsettled and less frequently in summer. There have been no reports of damage to static gear by scallop dredgers. Loss of access to Dunvegan could result in a significant reduction in earnings for small local boats.

(c) Loch Roag

Although divers fish for scallops in this area we have no reports of dredging taking place.

(d) Butt of Lewis to Tolsta Head

(e) Tolsta to Kebock Head

(f), Kebock to Rubha Quidnish

In the past 2 years, 4 boats from Scalpay have fished in these areas, along with occasional visitors from other areas. Grounds are both inside and outside the proposed reserves. The fishery has developed into an all the year round one and communications between dredgers and static gear men have prevented any serious damage to gear.

(g) Rubha Quidnish to Lochmaddy

(h) Lochmaddy to Barra Head

Scallopers, mainly in membership of the Clyde Fishermen's Association, fish both areas. However a recent meeting between the CFA and the Western Isles Fishermen's Association resulted in agreement between the bodies that dredgers would confine their activities in the areas to the summer months when most of the creel men would be fishing to the West of the Hebrides.

Last year static gear men suffered some loss of gear at the hands of scallop dredgers, but this was put down to poor communications between the boats. Agreement on the use of radio channels was reached at the meeting which should minimise losses in future.



Department of Agriculture and Fisheries for Scotland

Marine Laboratory PO Box 101 Victoria Road Aberdeen AB9 8DB

Telex 73587 Telephone 0224-876544 ext

[Redacted]

A. ...
11/5 10/5
pl speech
10/5

[Redacted]

DAFS
Chesser House
Gorgie Road
EDINBURGH

Please reply to The Director
Your reference

Our reference
C60/1 AS/MB
Date
3 May 1984

Dear [Redacted]

With reference to [Redacted] letter of 16 April, regarding proposed areas to be closed to mobile fishing gear, I am replying also for [Redacted]. Essentially it would appear that if all [Redacted] requests for derogations were to be granted little restrictions would be left on mobile gears within the 3 mile zone. [Redacted] point regarding the static nature of scallops and queens is factually correct, but misses the point. It is not a question of the mobility of the exploited resource which is at stake, but of the compatibility of static and mobile gears working within the same area. I shall deal with the specific areas he mentions in relation to their importance, according to our records, for scallop and queen fishing:

Fish Nursery Areas. d, e, f, g, - little if any scallop or queen fishing. There is a little dredging for mussels occasionally off Tain, but this is a very minor activity.

- j There is scallop dredging in Broad Bay within the area proposed for closure.
- k There is scallop and queen fishing in Ayr Bay and queen fishing in Irvine Bay, although the vessels mainly work further south. You will remember that this is an area in which we had, at an earlier stage, shifted the seaward boundary eastwards, from what we would have preferred on solely plaice nursery ground criteria, to reach a compromise with the mobile gear interests.
- l There is an area which is worked to some extent by small vessels for queens when the weather is bad.
- m This is as l, but it is also an area where a lot of static gear is shot.

Static Gear Reserves - Full Year Closure

- a-c: We have no records of landings from these areas but vessels are known to work around Handa Island in area b).
- d-f: These areas are worked occasionally - a few dredgers work the area around Gairloch. Queens and scallops have been fished in the past in Loch Ewe, but there has been little effort there recently.
- g: There is a small fishery for queens in the Sound of Sleat in November-December. There is also queen fishing in the Kyle, Duich, Stromeferry, and Loch Carron areas, and a small scallop fishery around Torridon/Loch Carron.

MAY 1984

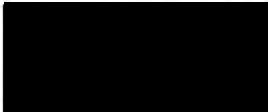
Partial Closures

b There is a scallop fishery, by dredge in Loch Dunvegan.

c-h: There is scallop dredging in all of these areas.

It would seem, as almost inevitably must be so, that the proposed closures to mobile gears are going to create conflicts of interests. Certainly in relation to static gear reserves the issues at stake are not basically scientific ones, but rather socio-economic and political ones.

Yours sincerely



PS/Minister of State

FEB/16/547v 36

INSHORE FISHING BILL

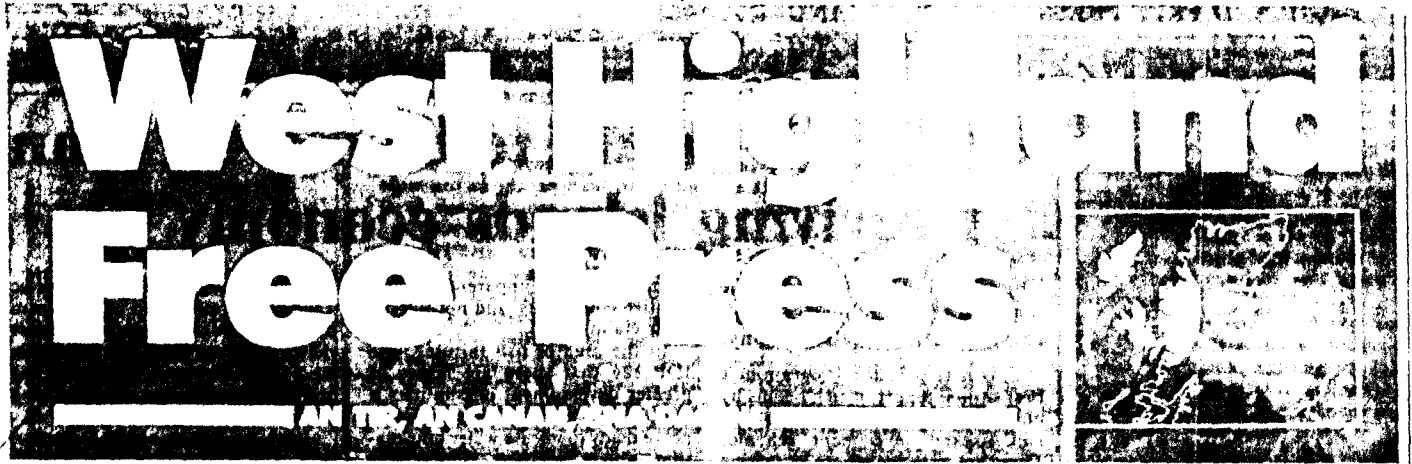
[redacted] may wish to see (and perhaps
marvel at!) the almost un stinted
praise heaped on DAFS in the current
"West Highland Free Press" (p3 in
particular).

This follows personal collection by
Brian Wilson of our news
release of last week.

[redacted]

510
Jan 16, 1984

already seen!



Mixed reaction to Government's "new" plans for static gear reserves

The revised Government plans for the designation of static gear reserves were generally welcomed in the Western Isles this week, but opposition to the concept of static gear reserves was reiterated elsewhere.

The main feature of the new proposals is that the DAFS have accepted the argument in favour of seasonal reserves whereas in their original consultative paper in October 1981 they made no such provision — either a stretch of coast was for static gear reserves or it was not.

The most dramatic changes since then in the DAFS proposals occur in the Western Isles. Large areas, important to the rapidly-developing creel sector, which were undesignated in the original document, have now been proposed as static gear reserves during the summer months. These include the Loch Roag area, the east side of Uist and the area round Stornoway.

These new proposals are not final and the reactions to Free Press enquiries this week suggested that there will be strong representations against what is seen in some quarters as over-generous concessions to static gear interests.

The Inshore Fishing Bill which will give the Secretary of State for Scotland powers to enforce these measures is expected to enter its Committee stage in the House of Lords next week and the Government hopes it will become law by the summer. The Bill also envisages abolition of the three-mile so that where and when there is no static gear reserve in operation it will be legal to fish up to the shore.

The full proposals relevant to the north west are as follows:

FISH NURSERY AREA — which would be restricted to passive and static gear throughout the year: Broad Bay, within a line from Tolsta Head to Tiumpán Head.

STATIC GEAR RESERVES — full year restriction to passive and static gear only: Eddrachillis Bay, Enard Bay, Gruinard Bay and Loch Broom within a line from

original line south west of Barra Head. From June 1 to October 31 except for the sandeel fishery.

THIS MEANS IN FACT that the only waters of the Western Isles coastline not seasonally designated for static gear would be two stretches on the west coast of Lewis and the whole west side of Uist. Though the latter is an important area for creel fishermen its omission is not thought to present a problem since little or no trawling goes on there, though this could change with the advent of a sandeel fishery.

In the Western Isles, the response was enthusiastic. Mr John Nicolson, general manager of the Stornoway Fishermen's Co-op, said the new proposals were very similar to what they had been operating in the past couple of years. He did not think it was a substitute for local management and suggested that there would need to be some variations in the proposals — "it's still open for consultation if someone wants to change a month here and a month there". But in general, said Mr Nicolson, the new proposals seem very acceptable.

This was also the view of Mr Neil MacPherson, fisheries development officer for Comhairle nan Eilean, who expressed relief that the DAFS officials had listened to the advice they had been given from the islands. "This is half the loaf," he said. "Local management is the other half."

Mr John MacLeod of Scalpay, a member of the Mallaig and North West Fishermen's Association, said: "This is very nearly what we wanted and I am referring to both static gear

and pelagic fishermen. We are quite pleased with what has been proposed."

As far as Scalpay's herring interests are concerned Mr MacLeod said: "We would rather no limit at all but there has got to be give-and-take on both sides." However, Mr MacLeod thought it "senseless" to create year-round static gear reserves in the mainland lochs. Clam fisheries would be lost in Loch Ewe and elsewhere. He thought these lochs could also be dealt with on a seasonal basis.

Mr Duncan MacInnes, secretary of the Loch Roag Fishermen's Association, welcomed the DAFS acceptance of the seasonal reserve concept. He would have been happier if the summer limit round Loch Roag had been set at three miles rather than one mile. This, said Mr MacInnes, was more in anticipation of future trawling activities in the area than because of the existing situation in which they are "not much troubled with trawlers".

But Mr Colin Thom, secretary of the Mallaig and North West Fishermen's Association, was strongly critical. "If they want to put some of the factories on the west coast out of business, this is the way to go about it." He claimed that the static gear fishermen's own association, along with "the great majority of the industry", are opposed to static gear reserves.

Mr Thom said his association had supported the closure of the upper reaches of the west coast sea lochs to mobile gear, but felt that their total definition as static gear reserves

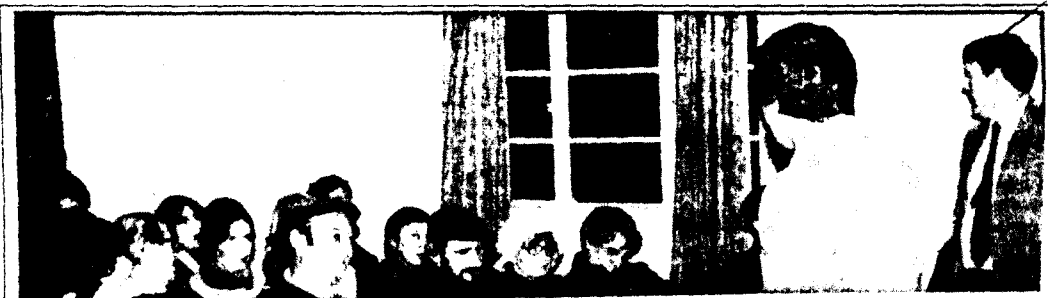
all year round was far wrong. It would, he pointed out, prohibit both sprat and clam fisheries in these lochs. He also forecast opposition to the extension of the proposed reserves round the Western Isles, albeit on a seasonal basis.

Mr John Moore, secretary of the Highlands and Islands Fishermen's Association whose members are static gear fishermen, could not be contacted for comment. But Mr Donald MacLeod, chairman of the association's Skye branch, said it was "a sad day when the Government had to say where you can fish and can't fish". But he did not want to comment on detailed proposals before studying and discussing them.

The chief executive of the Scottish Fishermen's Federation, Mr Bob Allan, reiterated their opposition to static gear reserves. "We have unanimously agreed that we do not see them as the way forward. We do not believe that any one group or class of fishermen should have the right conferred on them to exclude other fishermen. Conflicts could best be sorted out where they arose "by mutual consent".

The federation, said Mr Allan, was very concerned that under the Bill the Secretary of State would have powers to "change things around" as he pleased without recourse to Parliament. "He has invited comment and we will certainly be responding."

Mr Allan said that while the designated areas seem to have expanded under the new proposals the federation would not comment on them in detail until they had been thoroughly studied.



1ST JOT COPIED FOR ECONOMY

COMMENT



principle of seasonal static gear zones, rather than merely drawing the map in black and white.

The new proposals do not represent an adequate substitute for local management, which would allow for further fine tuning of the regulations and short-notice alterations where these were required. Local management would also give greater cause for optimism about the policing of the new arrangements — If the trawler threat is to be removed in practice as well as in theory, sanctions must exist.

But with these caveats, we should recognise and welcome the fact that the local case has been accepted by DAFS who have now given most sections of the Islands' fishing industry something very close to what they were looking for as a next best thing to local management.

It is striking that there is very little evidence of such a sophisticated approach to the question outwith Western Isles waters. The west coast sea lochs down to the Sound of Sleat will be for static gear only. The rest of the west coast, where trawling interests are dominant, will have no provision for static gear fisheries.

The lesson is that the Western Isles have won a balanced, sensible solution because the fishing industry there spoke with a balanced, sensible voice. It is a voice which reflects the structural changes of recent years in the local industry and the crucial need to protect these developments.

This is a striking example of how

a peripheral area can begin to control its own destiny, if there is constructive thinking and articulate advocacy coming from within the area. If no such voices are being raised, then remote control will fill the vacuum. In this case the original proposal, which had practically nothing in common with the present ones, would now be going forward as the basis of the legislation.

The new proposals will not be universally popular even in the Western Isles. The lines will not all have been drawn in the right places and the definition of seasons will need some adjustment. If the local fishing community can continue to speak with a united voice in these matters, the DAFS should continue to listen and respond with the flexibility that is required.

This would also allow other areas including Skye to develop their own thinking on how the system should work and would encourage them to argue their own case, in healthy expectation of their views being taken account of.

* * *

MY MAIN OBJECTION to the Honours system is that it is so insulting to eminently decent people. I do not mean those who are omitted, but the ones who have made a genuine contribution to community wellbeing, who merit recognition and who are fobbed off

with an MBE or some similar bauble.

Meanwhile, the real honours — lordships, knighthoods and the like — go to the sycophants, crooks and time-servers. Those of us who are unlikely to feature in the list (though I have high hopes for Eachalnn in 30 years' time) can look and laugh at all this.

But if one had spent 60 years manning a telephone exchange round the clock, fighting the high seas as a lifeboatman or hurrying over peat bogs with a Gladstone bag, would one not be tempted to tell them to keep their bauble if that was the best they could do while a half-cut, jumped-up journalistic hack was being made a "Sir" for services to Thatcher?

This is not, of course, a reference to the great "Sir" Allstair Burnet. It would not, in any case, be true to say that Sir Allstair has made no contribution to the wellbeing of society. He did, during his brief and disastrous editorship, succeed in gutting the circulation of the 'Daily Express' by 344,000, and that was a significant contribution to the health of the nation, but I don't suppose that was what they had in mind when they made Allstair a Sir.

No, he has been ennobled for one reason and one reason only — he is a Thatcher toady par excellence. A long-standing practising Tory who advises them on their electoral strategy, he is now in an extremely influential position — not only does

he act out the "News at Ten" each evening, he is also associate editor of the programme and a member of the ITN board.

According to the 'Observer' he "sometimes writes up to half the bulletin . . . his authority is decisive". He has taken over the "TV Eye" programme, is a national director of Murdoch's 'Times' newspaper and (hilariously in view of the latter distinction) is a member of the newspapers mergers panel of the Monopolies Commission.

Sir Allstair has certainly earned his Thatcher knighthood. It can be argued that since most of the virulently pro-Thatcher brothel-keepers of the written word — they prattle over the prostitution of the written word — have been knighted and lorded (the same ones Buck House is now chastising for their ethical standards), why not the Tory mandarins of broadcasting? Why not indeed? We might as well have things out in the open.

Arise, Sir Robin! Arise, Sir Allstair! Collapse, the venter of impartiality in the broadcasting of news and current affairs. No man can serve two masters, as Hamish Henderson so admirably recognised. Real honour to him for it.

* * *

MRS WINIFRED EWING's New Year message made the remarkable claim that the European Parliament has "kept Europe free of war for 38

years". This is indeed an achievement worthy of note since the "Parliament" has only been going for 11.

The idea that Europe would be at war if it was not for the fact that hundreds of Euro-bores are paid vast amounts of money to decide absolutely nothing in Strasbourg is self-aggrandising nonsense. If Mrs Ewing believes it, her head over heels love affair with the EEC has advanced even more rapidly than I had suspected.

Equally misleading is her assertion that "the Parliament has authorised to be made a video film of my achievements as your Member since 1979 . . .". The truth is that grotesque sums for self-promotion are available to any MEP who wants them, in an attempt to give some publicity to the forthcoming election for the European Assembly.

I accept that we will have to live with the EEC until it breaks up of its own contradictions, and that we should make the best of it. But let's not kid ourselves that it has anything to do with democracy.

The expensive whimperings of the elected assembly have to be set against the overbearing power, transcending that of elected governments, which lies in the hands of the unelected European Commission and which derives from the anti-democratic Treaty of Rome. That is the nature of the beast and a few drips from the roast should not cause anyone to forget it.

THE NEW proposals for static gear reserves represent, for the Western Isles at least, a major advance on what has previously been mooted. That has not come about by mere good fortune, but in direct response to the weight of argument that has been exerted from within the Islands.

I pay tribute to the DAFS officials who have taken on board the reasoned case, and who have now come up with far more sophisticated recommendations which accept the

Praise For The HIDB

The Arkleton Trust
Coulinakyle
Nethy Bridge
Inverness-shire

Dear Sir

I must correct an impression in your issue of 30 December that the report published by the Arkleton Trust and written by our Commonwealth Fellows, Babu Baviskar and Ambu Patel with Ian Wight, contained no acknowledgement or praise for the work of the HIDB in the Western Isles.



balance sheets of all the councils. Ours is submitted annually.

May I at the same time quote from his quote: "Questions arise over payment, remuneration and expenses for community councillors and their staff a he extent to which councillors divert district council assets for purposes not

that is the way it is going to be, however much the Left in Scotland clamour against the "cuts".

The Labourites in Scotland have the remedy in their own hands. They can stop bending our ear with their incessant grumbings about what successive governments in England

There appears to prevail an appalling ignorance of what it costs the Isle of Lewis annually to send choirs and competitors to National Mods in Scotland let alone Nova Scotia. Mr K D Smith's estimate of £700 per person is far from being inflated. There is written confirmation from An Comann's officially-appointed travel and accommodation agents of a booking for one Lewis choir for seven days in Cape Breton which results in a cost of £712 per person Stornoway/Nova Scotia return, without private spending money. In Lewis alone, with four senior choirs, numerous school choirs and individual competitors, the cost would be in the



An sin dh'ainmich e daoine mar Sandy MacNeacail, fear de sheann dhiulnaich an Land League alg an robh e loidseadh fhad's a bha e 'na sgoilear am Port-ruilheadh. Agus tha lomradh ann air an turus a chuala MacCalmain og an t-Urramach Dombnall MacCalum a' searmonachadh 'nasheann aois — an t-Urramach MacCalum a sheas cho daingeann air taobh nan croitearan bho chionn ceud bliadhna is gun do chuirte dha'n phrìosan e.

Na linn fhèin bha Tomas MacCalmain gle choltach ris na daoine sin — duine sìthell, lraeal 'na nadur ach cho cruaidh ris a' chreig nuair a bha ceartas is coirichean a mhuinntir fo chunnart.



**Department of Agriculture and Fisheries
for Scotland**
Chesser House Gorgie Road Edinburgh EH11 3AW
Telex 72162 & 727478

Telephone 031-443 4020 ext

Alternative ext

Your reference

Our reference


Date

INSHORE FISHING (SCOTLAND) BILL
JUVENILE FISH NURSERY AREAS AND STATIC GEAR RESERVES

In order to assist Parliament in its consideration of the Inshore Fishing (Scotland) Bill the Secretary of State has made known his proposals for those areas to be designated as juvenile fish nursery areas and static gear reserves if the Bill is enacted.

I attach a copy of these proposals which have been developed from those shown in the Department's consultation document of 1981 by taking account of representations received and of the latest trend in the fisheries.

The Secretary of State would welcome any comments you may wish to make.





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Date

12 January 1984


**INSHORE FISHING (SCOTLAND) BILL
JUVENILE FISH NURSERY AREAS AND STATIC GEAR RESERVES**

I refer to Mr McGhee's letter of 9 January.

Please note that there is a typing error on page 3 in the list of static gear reserves - partial year closure. Paragraph (i) should read as follows:

"(i) Troup Head to Rattray Head within the area bounded by a line drawn out to 2 miles due north of Troup Head and a line drawn out to 2 miles due east of Rattray Head, from 1 August to 28 February".

The reserve was correctly shown in the accompanying map.



INSHORE FISHING (SCOTLAND) BILL

PROPOSED AREAS TO BE CLOSED TO MOBILE FISHING GEAR

Listed below are those areas of Scottish inshore waters which the Secretary of State for Scotland presently proposes should be designated as fish nursery areas and static gear reserves. It is the Secretary of State's intention to use the powers which would be granted to him under the Inshore Fishing (Scotland) Bill once enacted, to prohibit the use of mobile fishing gear in these areas during the periods specified.

The Secretary of State expects the precise location of these nursery areas and reserves to be the subject of discussion during the passage of the Inshore Fishing (Scotland) Bill. The proposals may therefore be subject to amendment. The attached map should not be regarded as definitive, but as a guide to the location and extent of the areas listed. The precise areas will be fully defined in any orders made by the Secretary of State by reference to latitude and longitude and to prominent landmarks as appropriate.

Fish Nursery Areas

It is proposed that the following areas should be restricted to passive and static gear only throughout the year:-

- (a) St Andrews Bay, west of a line from Fife Ness to Arbroath;
- (b) Montrose and Lunan Bays, west of a line from Red Head to Johnshaven;
- (c) Aberdeen Bay, west of a line from Girdle Ness to The Skares;
- (d) Spey, Burghead and Nairn Bays, south of a line from Portknockie to 1 mile north of Stotfield Head to 2 miles north of Burghead to Rosemarkie;
- (e) Beaully and Inner Moray Firths;
- (f) the Cromarty Firth;
- (g) Dornoch Firth, west of a line from Tarbat Ness to Brora Point;
- (h) Sinclair's Bay, within a line due East of Noss Head to 3°W, north along 3°W and due west to Duncansby Head;
- (i) Dunnet and Thurso Bays, within a line from Dunnet Head to Holborn Head;
- (j) Broad Bay, within a line from Tolsta Head to Tiumpan Head;
- (k) Ayr and Irvine Bays within a line from the Heads of Ayr to Troon thence to Saltcoats;
- (l) Luce Bay, within a line from Mull of Galloway to Burrow Head;
- (m) Wigtown Bay, within a line from Burrow Head to Little Ross.

Static Gear Reserves - Full Year Closure

It is proposed that the following areas should be restricted to passive and static fishing gear only throughout the year:

West Coast

- (a) Landward of a line from Cape Wrath to the western extremity of Am Balg thence to Rubha Ruadh;
- (b) Eddrachilis Bay, landward of a line from Rubha Ruadh to the western extremity of Handa Island thence to Point of Stoer;

- (c) Enard Bay, within a line from Rubha Stoer to Rubha Coigeach;
- (d) Gruinard Bay and Loch Broom within a line from Rubha Beag to Cailleach Head thence to Rubha Dubh Ard;
- (e) Loch Ewe, within a line from Greenstone Point to Rubha Reidh;
- (f) Loch Gairloch, within a line from Big Sand to Red Point;
- (g) the Inner Sound, including Lochs Torridon, Carron, Kishorn, Duich, Alsh and Hourn within a line from Red Point to Rona Light, following the east coast of Rona and Raasay to Rudh na cloiche, thence a straight line south to the mainland of Skye, thence along the east coast of Skye to Oronsay Light and from these to Rubha Ard Slisneach on the mainland.

East Coast

- (h) Crawton Ness to Gourdon within a line out to 2 miles due south east of Crawton Ness and a line out to 2 miles due south east of Gourdon.

Static Gear reserves - Partial Year Closure

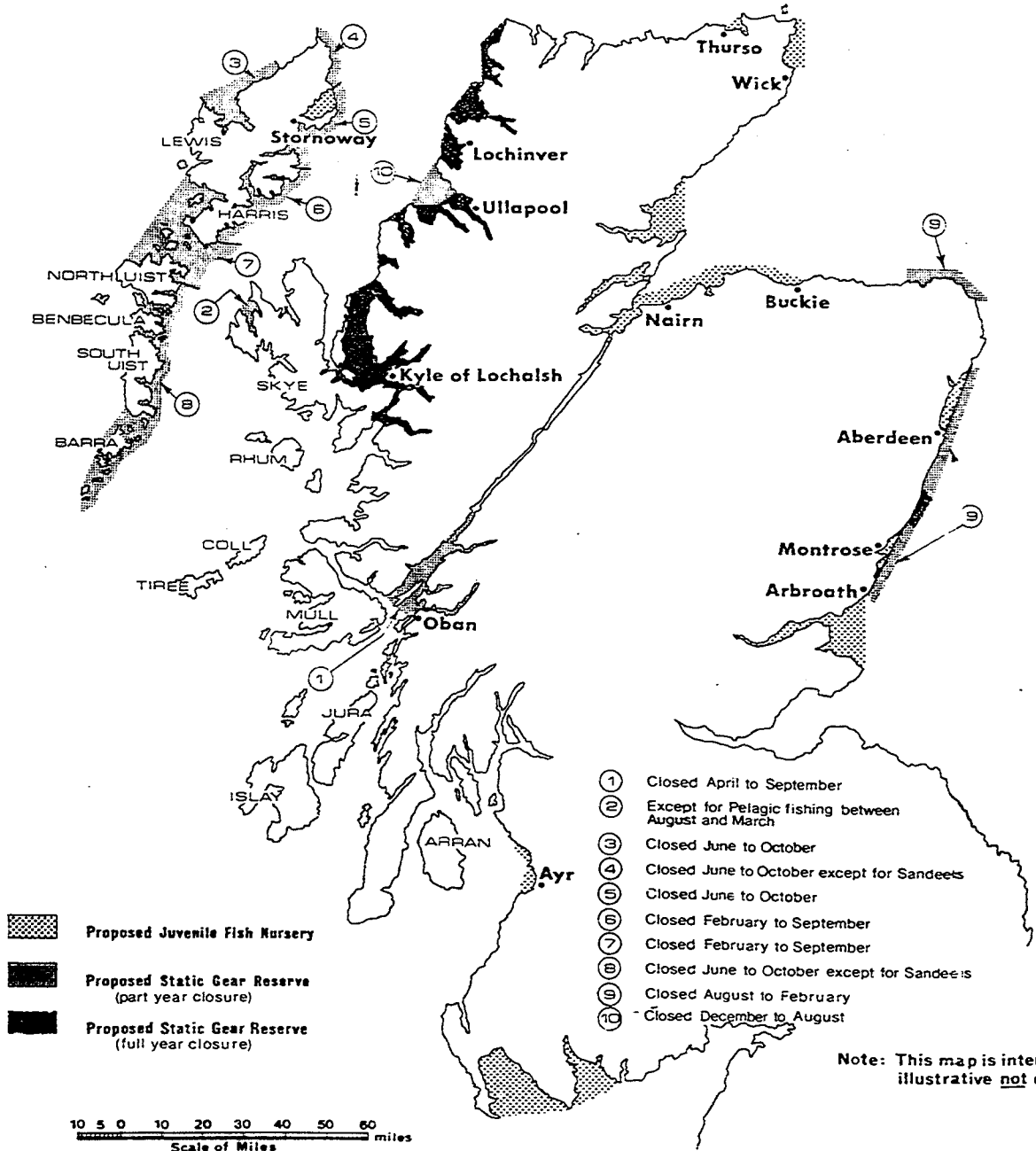
It is proposed that the following areas should be restricted to passive and static fishing gear only during the periods specified:

- (a) Loch Linnhe, north east of a line from Rubha an Ridire to Lismore Light thence to Dunollie Light on the mainland. From 1 April to 30 September.
- (b) Loch Dunvegan from Ard Beag to Dunvegan Head. Closed whole year except for pelagic fishing between 1 August and 31 March.
- (c) Loch Roag, 1 mile outwith a line joining Gallan Head to Old Hill to Aird Barvas, from 1 June to 31 October.
- (d) Butt of Lewis to Tolsta Head, 1 mile from low water mark, from 1 June to 31 October except for the sandeel fishery.
- (e) Tolsta Head to Kebock Head within a one mile limit from a line from Tolsta Head to Tiumpan Head and bay closing lines at the mouths of the other lochs to Loch Odhairn from 1 June to 31 October.
- (f) Kebock Head to Rubha Quidnish within a one mile limit from existing baselines excluding the Shiants, from 1 February to 30 September.
- (g) On the east coast from Rubha Quidnish to Lochmaddy within a 3 mile limit from existing baselines and within a line from Griminish Point to Hushinish Point on the west from 1 February to 30 September.
- (h) Lochmaddy to Barra Head within a 1 mile limit from low water mark following existing baselines. On the west side a line from Gurney Point in South Uist to Greian Head in Barra thence to Guarsay Point in Mingulay through to meet the original line south west of Barra Head. From 1 June to 31 October except for the sandeel fishery.

- (i) Troup Head to Rattray Head within the area bounded by a line drawn out to 2 miles due north of Troup Head and a line drawn out to 2 miles due east of Rattray Head, from 1 August to 28 February.
- (j) The Skares to Crawton Ness within the area bounded by a line drawn out to 2 miles due east of the Skares and a line drawn out to 2 miles due south east of Crawton Ness, from 1 August to 28 February.
- (k) Gourdon to Arbroath within the area bounded by a line drawn out to 2 miles due south east of Gourdon and a line drawn to 2 miles due south east of Arbroath, from 1 August to 28 February.
- (l) The Summer Isles, within a line from Rubha Cogeach to Greenstone Point, from 1 December to 31 August.

DAFS
January 1984

Proposed Areas To Be Closed As Static Gear Reserves & Juvenile Fish Nursery Areas



- Proposed Juvenile Fish Nursery
- Proposed Static Gear Reserve (part year closure)
- Proposed Static Gear Reserve (full year closure)

- ① Closed April to September
- ② Except for Pelagic fishing between August and March
- ③ Closed June to October
- ④ Closed June to October except for Sandeels
- ⑤ Closed June to October
- ⑥ Closed February to September
- ⑦ Closed February to September
- ⑧ Closed June to October except for Sandeels
- ⑨ Closed August to February
- ⑩ Closed December to August

Note: This map is intended to be illustrative not definitive.

