

FXV/116/3



THE SCOTTISH OFFICE

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21 February 1994

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INSHORE FISHING: SEA LOCH CLOSURES

I am sorry for the long delay in replying to your letter of 6 September last.

Sir Hector Monro has now concluded his consideration of the responses received to the Department's Consultation paper on Inshore Fisheries and he has today laid an amending Statutory Instrument before both Houses of Parliament. I attach a copy of the associated press statement which outlines the effects of the changes.

You will see that the Minister has concluded that existing sea loch closures on the west coast should continue unamended. I know that this will disappoint a number of static gear fishermen in areas such as Loch Torridon where conflicts have arisen. However in the absence of clear scientific evidence that extending the ban on mobile gear would bring conservation benefits, the Minister feels that local fishermen should be encouraged to work together to find a solution to this kind of localised problem.

He has also offered the services of the Scottish Fisheries Protection Agency to assist in reaching any local agreements and in the case of Loch Torridon, Fisheries Officers will be in contact with local fishermen in the coming weeks to initiate discussions. I very much hope that all concerned will participate in order to reach an equitable and long standing agreement.

[Redacted]

FXF/16/3

PA

From: [REDACTED]
AFD J
9 February 1994

PS/Sir Hector Monro

Copy to: PS/Secretary of State
PS/US of S
PS/AFD
PS/Env
Solicitor

Mr. Hector

copy to [REDACTED],
MAFF Fish 116

[REDACTED]
Director SCA
Director IaD
Parliamentary Clerk
[REDACTED]

At last we make progress! I will
let you know when the Minister
has signed the order.

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REVIEW OF THE INSHORE FISHING ORDER (SCOTLAND) 1989

Purpose and Background

The Department issued a consultation document in the latter half of 1992 on possible changes to our inshore fishing regime. Following detailed consideration of the responses from the industry and other interested bodies, Sir Hector concluded that only minor amendments to the current Order should be made.

Unfortunately the announcement of the results of the consultations had to be delayed; firstly because of the problems encountered in trying to reconcile differing views on lobster fishing at Scapa Flow, and more recently, for developments with the policy to reduce fishing effort. The announcement of a suspension of days at sea pending a judgement from the European Court of Justice clears the way for finalising the results of the inshore review and this minute recommends that the Minister sign the attached Statutory Instrument. It is proposed that the changes set out below will come into effect on 14 March.

The Terms of the Order

As agreed earlier this year, the Order will:-

- (i) impose a limit on the length of beam which can be used in the Solway for shrimp fishing. The precise area to be covered will be east of a line drawn from Southernness Point southward to the English coast. This will mirror controls already in place on the English side of the Estuary and the change will be supported by the Annan Fisherman's Association;
- (ii) correct typographical errors contained in the original 1989 Order; and
- (iii) in accordance with representatives from Orkney Fishermen's Association, remove Loughope Bay in Scapa Flow from the area where lobster creeling is seasonally prohibited.

This will leave untouched other arrangements in Scapa Flow whereby lobster creeling is prohibited between April and September. Some elements of the Orkney fleet have pressed for an extension to ban all creeling between these dates and will be disappointed at the outcome. We can however point to considerable efforts to meet these concerns, including the meetings initiated by Mr James Wallace MP and supported by the Minister. Despite these efforts, there is still no local agreement on whether action should be taken. Since the issue is purely a local one, we judge that the status quo should prevail.

The Order will also leave unchanged the present arrangements for the seasonal closure of certain sea lochs, mainly on the west coast.

The one final issue outstanding from the original consultation document is whether to introduce further controls on scallop dredging to reduce fishing pressure and sustain the health of the stock. Our earlier advice was that any necessary measures would best be introduced on a UK basis through the Sea Fish (Conservation) Act 1967. This remains our view, but little progress has so far been made in discussions with other Fisheries Departments, not least because the number of scallop vessels successful in the decommissioning scheme suggests we must now reassess whether controls are actually necessary at this stage. We are also seeking to obtain updated stock assessments from our scientific colleagues. We shall report further to the Minister on this in due course.

Cost Compliance Assessment (CCA)

The amendments at ii) and iii) above will not result in any additional costs to the industry. The controls on beam length in the Solway will result in negligible cost since vessels already have to limit beam length on the English side of the estuary. Indeed in the longer term it is hoped that the stock size will increase as a result of this conservation measure, leading to benefits for the industry.

The attached CCA should be placed in the library of both Houses (by Parliamentary Clerk) and the Explanatory note to the Instrument advises that it can be consulted there.

Publicity

The scale of the proposed changes do not merit a Ministerial announcement. The attached draft press notice is therefore in the form of a Departmental announcement. However since the only substantive change affects South West Scotland, it may be that Sir Hector would wish to issue a press notice to his local media. I therefore also attach an additional draft press notice which includes a quote from the Minister. This should be issued only to local media in Dumfries and Galloway.

InD have been consulted about this advice and agree that the recommended course is appropriate for such a low key announcement. They have also cleared the draft press notices.

Conclusion

I invite the Minister to agree the terms of the attached Statutory Instrument which will:

1. introduce controls on shrimp fishing in the Solway to match those already introduced in Cumbria:
2. correct typographical errors in the 1989 Order.
3. in accordance with representatives from Orkney Fishermen's Association, remove Longhope Bay from the area in Scapa Flow where lobster creeling is seasonally prohibited.

I should also be grateful for the Minister's confirmation that he is content with the attached draft press releases, and with the attached letter to [REDACTED] informing him of decisions reached, and with the letter to [REDACTED] of the Annan Fishermen's Association.

AFD J
Room 521
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Extn: 6430
9 February 1994

**COST COMPLIANCE ASSESSMENT:
INSHORE FISHING (PROHIBITION OF FISHING AND FISHING METHODS)
(SCOTLAND) AMENDMENT ORDER 1994**

The above Order will amend the Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 1989 in the following ways:-

- i) a limit will be imposed on the length of beam which can be used to fish for shrimps in the Solway Estuary. After the Order comes into force the maximum beam will be 6 metres;
- ii) a sea area on the edge of Scapa Flow in Orkney will be removed from a control area where the use of lobster creel is prohibited during the summer months.

Both of these measures are supported by the fishing industry in the localities concerned. The first will involve negligible additional costs since the 6 metre beam limit already applies on the English side of the Estuary. In the longer term it is hoped that the measure will protect stock levels or allow numbers to increase. This will be of benefit to the industry since it should help to safeguard incomes and eventually provide better financial returns. The second amendment will involve no additional costs to the industry since it relaxes an existing regulation which is no longer judged necessary to protect stock levels.

In addition, certain typographical errors in the 1989 Order will be corrected. None of these will have any financial impact on the industry.

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