Dear Convener

Post-legislative scrutiny of the Marine (Scotland) Act 2010

I refer to the letter dated 20 December 2017 requesting a response to the public issues and concerns that were raised in respect to the Marine (Scotland) Act 2010.

The Marine (Scotland) Act 2010 introduced a range of new duties and associated powers to improve management of territorial waters. The Act in itself cannot deliver Good Environmental Status because that is measured at a much wider geographic scale. However the changes in marine management that the Act has initiated undoubtedly contribute towards achieving that objective.

Considerable progress has been made towards implementing the Marine (Scotland) Act 2010 over the last eight years, and work to complete implementation remains a high priority for Marine Scotland. In terms of progress I would like to highlight the following:

- A National Marine Plan was adopted in 2015, and a review of implementation will be published in March 2018.
- Two Marine Planning Partnerships have been established for Shetland and the Clyde. Partnerships for the other regions will be established in the coming years.
- A robust marine licensing system has been implemented by Marine Scotland and now determines 600 marine licences per year across a variety of sectors. This ensures that licensable marine activities are sustainable and within environmental limits.
- There are now 27 Marine Protected Areas in territorial waters. The powers to implement Marine Conservation Orders have been used six times, including on an urgent basis to deal with immediate threats and pressures. Further MPAs are expected to be added to the MPA network over the next two years. A report on the status of the MPA network will be laid before Parliament at the end of 2018.
- A total of 195 haul-out sites have been designated to protect common and grey seals at their most vulnerable time whilst on land.
- A new seal licensing system has been introduced which has resulted in a 65% reduction in numbers killed under licence since 2011.
Measuring the effects of these substantial changes to marine management will take some time. This is simply because improvements in the status of the marine environment will take time to be measurable. Therefore it is my view that it is too early to be contemplating substantial changes to the Marine (Scotland) Act 2010.

The proposed Inshore Fisheries Bill is currently on hold until such time there is clarity from the UK Government over how powers to manage fisheries will be affected by EU exit. I recognise the need to modernise the existing inshore fisheries legislation and we intend to do so. Once the position is settled then the scope of the proposed inshore fisheries bill can be set. In the meantime, we have opened a dialogue with fisheries stakeholders to hear their priorities and concerns regarding the impact of EU exit. This work will help to ensure that we are ready with policies fit for purpose and which will deliver sustainable Scottish fisheries beyond EU exit.

Yours sincerely

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