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9 January 2026

Dear Finlay,

## **THE SEA FISHERIES (AMENDMENT) REGULATIONS 2026**

### **EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT**

I am writing in relation to the protocol on obtaining the approval of the Scottish Parliament for proposals by the Scottish Ministers to consent to the making of UK secondary legislation affecting devolved areas.

That protocol, as agreed between the Scottish Government and the Parliament, accompanied the letter from the then Cabinet Secretary for Government Business and Constitutional Relations, Michael Russell MSP, to the Conveners of the Finance & Constitution and Delegated Powers and Law Reform Committees on 4 November 2020 and replaced the previous protocol that was put in place in 2018.

I attach a Type 1 notification which sets out the details of the SI that the UK Government proposes to make, and the reasons why I am content that Scottish devolved matters are to be included in this SI. We will, in accordance with the protocol, advise you when the final SI is laid and advise you as to whether the final SI is in keeping with the terms of this notification.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

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I look forward to hearing from you by 02 February 2026.

Yours sincerely,

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**MAIRI GOUGEON**

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# THE SEA FISHERIES (AMENDMENT) REGULATIONS 2026

## NOTIFICATION TO THE SCOTTISH PARLIAMENT

### The Sea Fisheries (Amendment) Regulation 2026

#### Is the notification Type 1 or Type 2

This is a Type 1 notification.

#### Brief overview of the SI (including reserved provision):

The proposed UK Statutory Instrument (SI) enacts changes to management measures for sea fishing as agreed between the UK and EU in annual negotiations [10 December 2025: fisheries consultations between the UK and the EU for 2026](#). It amends the retained EU law version of Council Regulation (EU) 2020/123 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks under Section 36(1)(b) and (c) and section 36(4)(e) of the Fisheries Act 2020 and section 15 of the Retained EU Law (Revocation and Reform) Act 2023.

#### Spurdog

The instrument will remove the UK-EU limitation on a maximum landing size (100cm) for spurdog, reflecting the approach agreed in the recent UK-EU bilateral fisheries negotiations. The aim is to make this change promptly, reflecting the negotiated outcome, and in line with internationally published scientific advice and evidence.

The 100cm maximum landing size was introduced as a precautionary management measure during the UK-EU bilateral consultations on 2023 fishing opportunities, when the stock was removed from the prohibited species list. The parties committed to keep the management measure under review, and have since collaborated to request additional information and advice from ICES. That advice, published in October, presented clear evidence that managers could amend the maximum landing size without having a negative impact on the stock biomass. On 10 December 2025, the UK and EU agreed to remove the maximum landing size, at the same time as lowering the Total Allowable Catch (TAC).

#### Bass (seabass)

Following assessments by UK fisheries scientists on the impacts of a variety of changes, and subsequent agreement with the EU, changes have been agreed for both the commercial and recreational limits for bass (seabass). Changes for the commercial fishery will be introduced through licence conditions, however changes to the recreational limits in Welsh and English waters will be done through this SI.

The only change for the recreational fishery (i.e. the change implemented through this SI) is that the recreational bag limit will be amended from 2 to 3 specimens per fisher per day.

#### Laying and coming into force dates:

The Regulation is due to be laid before the UK Parliament on 06 February 2026, and will come into force on 28 February 2026.

## **Details of the provisions that Scottish Ministers are being asked to consent to.**

### **Summary of the proposals**

Both of the proposed changes described above are to bring UK Regulations in line with agreed outcomes from the UK-EU bilateral fisheries negotiations. The SI will amend [cite Regulation which is assimilated law (formerly known as retained EU law)]

#### EU alignment:

The Regulations are aligned with the EU's overall approach of managing fish stocks in a sustainable manner with catches of stocks at risk of over-exploitation subject to a variety of restrictions. The EU will also be bringing forward a Regulation to implement the same changes as the UK, ensuring a level playing field.

### **Does the SI relate to a common framework or other scheme?**

Yes, this SI is the outcome of the UK-EU Bilateral agreement relating to fisheries agreed for 2026.

### **Summary of stakeholder engagement/consultation**

The amendments in this SI are largely technical in nature, so no public consultation has been undertaken. However, stakeholders across and industry and environmental groups are engaged closely throughout international fisheries negotiations, where these changes were agreed.

### **A note of other impact assessments (if available)**

An impact assessment has not been produced for this instrument as no, or no significant, impact on the public, private or voluntary sector is foreseen.

#### Monitoring and review

The approach to monitoring this legislation is that the Fisheries Act 2020 requires all fisheries policy authorities, acting jointly, to prepare and publish a report, on a three-year cycle, on the extent to which the policies in the JFS have been implemented, their impact.

ICES provides scientific advice on the status and sustainable utilisation of fish stocks. This will be monitored throughout 2026.

The instrument does not include a statutory review clause as a requirement for a review would be disproportionate when considering the economic impact of the regulatory provision on the qualifying activity.

### **Summary of reasons for Scottish Ministers proposing to consent to UK Ministers' legislation**

This SI is the result of the UK-EU Bilateral agreement for fisheries for 2026. Legislating in a UK SI brings the revised provisions into force on the same day across the UK avoids the risk of delay or inconsistent implementation of the international agreement reached with the EU.

The Scottish Ministers therefore consider that it is appropriate for the instrument to be made by the UK Government. The approach set out in the proposed UK SI is realistic, achievable and minimises immediate disruption.

**The intended laying date (if known) of instruments likely to arise**

6 February 2026

**If the Scottish Parliament does not have 28 days to scrutinise the Scottish Minister's proposal to consent, why not?**

N/A

**Information about any time dependency associated with the proposal**

N/A

**Are there any broader governance issues in relation to this proposal, and how will these be regulated and monitored post-withdrawal?**

N/A

**Any significant financial implications?**

None identified.