RURAL ECONOMY AND CONNECTIVITY COMMITTEE

AGENDA

3rd Meeting, 2018 (Session 5)

Wednesday 24 January 2018

The Committee will meet at 10.00 am in the Mary Fairfax Somerville Room (CR2).

1. Decision on taking business in private: The Committee will decide whether to take item 4 in private.

2. Major transport infrastructure projects update: The Committee will take evidence from—

   Keith Brown, Cabinet Secretary for Economy, Jobs and Fair Work,
   Michelle Rennie, Director, Major Transport Infrastructure Projects,
   Alasdair Graham, Transport Scotland Head of Planning and Design,
   and Roy Brannen, Chief Executive, Transport Scotland, Scottish Government.

3. Subordinate legislation: The Committee will consider the following negative instruments—

   The Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2017 (SSI 2017/450)

   The Specified Crustaceans (Prohibition on Landing Sale and Carriage) (Scotland) Order 2017 (SSI 2017/455)

4. Appointment of a reporter The Committee will decide on whether to appoint a reporter to attend meetings of the Environment, Climate Change and Land Reform Committee during its consideration of the environmental implications of aquaculture.
Steve Farrell
Clerk to the Rural Economy and Connectivity Committee
Room T3.40
The Scottish Parliament
Edinburgh
Tel: 0131 348 5211
Email: steve.farrell@parliament.scot
The papers for this meeting are as follows—

**Agenda Item 2**

Cover note

PRIVATE PAPER

**Agenda Item 3**

SSI Cover Note

**Agenda Item 4**

Letter from the Environment, Climate Change and Land Reform Committee
The Committee will receive an update from the Cabinet Secretary for Economy, Jobs and Fair Work, Keith Brown MSP, on the progress of major transport infrastructure projects in Scotland for which he is responsible, such as:

- **Aberdeen Western Peripheral Route (AWPR):** The Aberdeen Western Peripheral Route/Balmedie to Tipperty project consists of four sections:
  - Balmedie to Tipperty: 12km from Blackdog to Tipperty
  - Northern Leg: 16.1km from North Kingswells to Blackdog
  - Southern Leg: 18.7km from Charleston to North Kingswells
  - Fastlink: 11.5km from Stonehaven to Cleanhill

Main construction works began during February 2015, with the entire project due to be completed by winter 2017/18.

- **A9 Dualling:** The A9 dualling project aims to dual 80 miles of single carriageway between Perth and Inverness, plus associated upgrades, by 2025. The project will be completed in 11 sections and is due to cost £3bn. Work to build the 7.5km section between Kincraig and Dalraddy, the first to be dualled as part of the project, was completed during summer 2017. Transport Scotland has identified preferred routes for over 36 miles of the 80 miles to be dualled.

- **A96 Dualling:** The A96 dualling project aims to dual 86 miles of single carriageway road between Aberdeen and Inverness, by 2030. The scheme is currently under development and is due to cost £3bn.

- **M8 M73 and M74 Motorway Improvements Project:** This project aims to complete the motorway link between Edinburgh and Glasgow and upgrade key locations in the central Scotland motorway network. The project is being delivered through the Non-Profit Distributing Model by the Scottish Roads Partnership (SRP), a consortium with a construction joint venture of Ferrovial Agroman and Lagan. SRP will be responsible for the management, operation and maintenance of this section of the motorway network for 30 years following completion of the new roads by Amey. The overall project cost is approximately £500m. All main roads associated with the project are now open.

- **Prestwick Airport**
Rural Economy and Connectivity Committee

3rd Meeting, 2018 (Session 5), Wednesday 24 January

Subordinate Legislation

Background

1. The Committee will consider the following two negative SSIs which relate to the management of fishing:

**Negative:**

- SSI 2017/450: The Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2017 (see *Annexe A*)

- SSI 2017/455: The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017 (see *Annexe B*)

2. Annexes A and B contain – in respect of each instrument – the clerk’s note, the Scottish Government policy note, the instrument itself and the Business and Regulatory Impact Assessment.

Rural Economy and Connectivity Committee Clerks
January 2018
Annexe A – SSI 2017/450: The Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2017

Type of instrument: Negative

Laid date: 15 December 2017

Coming into force: 14 February 2018

Minister to attend the meeting: No

Procedure

1. Under the negative procedure, an instrument comes into force on the date specified on it (the “coming into force date”) unless a motion to annul is agreed to by the Parliament within the 40-day period. Lead committees are not obliged to report to the Parliament on negative instruments, except where a motion recommending annulment has been lodged.

Consideration by the Delegated Powers and Law Reform Committee

2. At its meeting on 16 January 2018, the DPLR Committee considered this instrument and determined it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

Policy Objectives

3. The purpose of the Order is to protect cod stocks in the Firth of Clyde by prohibiting fishing effort during their spawning season. The Order prohibits fishing within a specified area of the Firth of Clyde from 14 February until 30 April, in both 2018 and 2019.

4. There are some exemptions for certain methods of fishing. These are scallop dredging, creel fishing and trawls for Norway lobsters. The exemptions vary slightly within the closed area, which is split into two zones, with Norway lobster trawls not permitted in the smaller zone at the mouth of the Clyde.

5. Consultation took place with key stakeholders. There were 3 responses from fishing industry representatives. All agreed that the closure should be continued as in previous years. Provisions for such a closure have been set in place annually since 2002 and key stakeholders have been consulted each year.

6. The policy note, instrument and Business and Regulatory Impact Assessment are attached in this Annexe. They are also available online here:


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Recommendation

7. The Committee is invited to consider any issues that it wishes to raise in reporting to the Parliament on this instrument.

Rural Economy and Connectivity Committee Clerks
January 2018
POLICY NOTE

THE SEA FISH (PROHIBITED METHODS OF FISHING) (FIRTH OF CLYDE) ORDER 2017

SSI 2017/450

1. This Order was made in exercise of the powers conferred by sections 5(1)(a) and (2), 15(3), 20(1), 22(2) and 22A of the Sea Fish (Conservation) Act 1967. The Order is subject to the negative procedure.

Policy Objectives

2. The purpose of the Order is to protect cod stocks in the Firth of Clyde at a crucial time in their life cycle by prohibiting fishing effort during their spawning season. As it is a technical conservation measure, the Order is made pursuant to Article 46 of Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.

3. The Order prohibits fishing within a specified area of the Firth of Clyde from 14 February until 30 April, in both 2018 and 2019. Certain methods of fishing are exempt from the prohibition. The closed area is split into two zones. In the larger and more easterly zone (specified in article 3(1)(a) of the Order and diagonally hatched on the illustrative map), scallop dredging, creel fishing and trawls for fishing for Norway lobsters are permitted throughout the closure period. In the smaller zone, which is a strip of water at the mouth of the Clyde (specified in article 3(1)(b) of the Order and horizontally hatched on the illustrative map), there is no exception for Norway lobsters trawls, but scallop dredging and creeling is permitted.

4. The Order is not to be read as allowing any fishing for sea fish in any part of the area described in article 3(1)(a) which is otherwise prohibited by the South Arran Marine Conservation Order 2015.

5. The Order will apply to British fishing boats that fish in the area.

Consultation

6. The Scottish Government consulted with key stakeholders regarding this proposal in August and September 2017. Stakeholders were allowed 5 weeks to comment and the consultation ended on 29 September 2017.

7. There were 3 responses to the consultation from fishing industry representatives. All of the responses agreed that the closure should be continued 2018/19 as in previous years with the derogations as applied.

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8. Provisions for such a closure have been set in place annually since 2002 and key stakeholders have been consulted each year.

Financial Effects

9. This Order has no bearing on quota, which remains unchanged, and the closure should not prevent fishermen from catching their full quota over the duration of the year. At most, the proposed closure may lead to a reduction in fish landings and therefore incomes on a temporary basis for its duration. The fishermen should not be financially disadvantaged overall. In addition, this closure should protect the stock so that in future years there is a continuing benefit to all fishermen. Due to the complex and varied nature of the mixed fishery it has not proved possible to calculate precise figures for any possible catch changes.

10. The Order will not give rise to further costs to the Scottish Government. Enforcement of this Order will be achieved within the existing provision for Marine Scotland Compliance.

11. A seasonal closure of the specified area in the Firth of Clyde has applied since 2002. A Business and Regulatory Impact Assessment has been completed.

Monitoring

12. Marine Scotland has been involved with an industry led programme of work delivering a biannual survey of cod in the closed area. The survey began in March 2016 and is due to last 5 years. Interim reports have confirmed that cod still spawn in the closed area and during the closed period reaffirming that the closure is in the correct place and time to protect spawning cod. The study aims to look at the population of cod in the Clyde and inform future management decisions.

Scottish Government
December 2017
The Scottish Ministers make the following Order in exercise of the powers conferred by sections 5(1)(a) and (2), 15(3), 20(1), 22(2) and 22A of the Sea Fish (Conservation) Act 1967(a) and all other powers enabling them to do so.

Citation, commencement, cessation and effect

1.—(1) This Order may be cited as the Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2017 and comes into force on 14th February 2018.

(2) This Order remains in force until the end of 30th April 2019.

(3) The prohibition in article 3(1) has effect during the following periods:—

(a) from 14th February 2018 until the end of 30th April 2018; and

(b) from 14th February 2019 until the end of 30th April 2019.

Interpretation

2.—(1) In this Order—

“creel” means a basket, small cage, pot, receptacle or container with one or more openings or entrances, which may be baited and is placed on the seabed for the purpose of catching sea fish;

(a) 1967 c.84 (“the 1967 Act”); section 5(1) was substituted by the Marine and Coastal Access Act 2009 (c.23) (“the 2009 Act”), section 198(2), which extends to Scotland by virtue of the Marine (Scotland) Act 2010 (asp 5) (“the 2010 Act”), section 158(1). Section 5(2) of the 1967 Act was amended by the 2009 Act, schedule 15, paragraph 3 which extends to Scotland by virtue of the 2010 Act, section 158(1). Section 15(3) of the 1967 Act was substituted by the Sea Fisheries Act 1968 (c.77), section 22(5), schedule 1, paragraph 38(3) and amended by the Fishery Limits Act 1976 (c.86), schedule 2, paragraph 16(1) and S.I. 1999/1820. Sections 5, 15(3), 20 and 22(2) of the 1967 Act are modified in relation to Scotland by section 22A(2), (6), (10), (11) and (12) of that Act. Section 22A was inserted by S.I. 1999/1820, schedule 2, paragraph 43(13) and section 22A(6) was substituted by section 159(4) of the 2010 Act. Relevant modifications are contained in S.I. 1999/1748, article 5 and S.I. 1999/1756, articles 3, 5 and 6. The functions of the Secretary of State, in or as regards Scotland, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). Section 22A(2) of the 1967 Act, which contains a definition of “the Ministers” for the purposes of section 15(3), was relevantly amended by the Fisheries Act 1981 (c.29), sections 19(2)(d) and (3) and 45. The definition was modified in relation to Scotland by section 22A(12)(b) of the 1967 Act.
“ICES statistical rectangle” followed by numerals with a letter is a reference to whichever of
the statistical sub-areas and divisions of the International Council for the Exploration of the
Sea (a) is identified therein by those numerals and that letter;
“British fishing boat” means a fishing boat which either is registered in the United Kingdom
under Part II of the Merchant Shipping Act 1995 (b) or is owned wholly by persons qualified
to own British ships for the purposes of that Part of that Act;
“scallop dredge” means an appliance with a rigid framed mouth which is towed through the
water and is manufactured, adapted, used or intended for use for the purpose of fishing for
king scallops of the species Pecten maximus; and
“trawl” means a demersal trawl, seine net or similar towed net.

(2) For the purposes of this Order, a trawl is deemed to have been used for the purpose of
fishing for Norway lobsters (of the species Nephrops norvegicus) if the catch retained on board a
fishing boat meets the minimum percentage of target species specified for Norway lobster in
respect of towed gears of mesh size range 80 to 99 millimetres in Annex I to Council Regulation
(EC) No 850/98 for the conservation of fishery resources through technical measures for the
protection of juveniles of marine organisms (c).

Prohibited methods of fishing

3.—(1) Fishing for sea fish by any method, by any British fishing boat, is prohibited in the area
comprising that part of the Scottish zone contained within—

(a) that part of ICES statistical rectangle 39E4 which lies to the east of the peninsula of
Kintyre and to the north of a straight line between 55°18′18″ north latitude, 05°38′50″
west longitude, and 55°00′30″ north latitude, 05°09′24″ west longitude; and

(b) that part of ICES statistical rectangle 39E4 which lies to the north of a straight line
between 55°17′57″ north latitude, 05°47′54″ west longitude and 55°00′00″ north latitude,
05°21′00″ west longitude and to the south of a straight line between 55°18′18″ north
latitude, 05°38′50″ west longitude and 55°00′30″ north latitude, 05°09′24″ west
longitude (d).

(2) Subject to paragraph (4), the prohibition in paragraph (1)(a) does not apply to any fishing
boat that fishes with only—

(a) a scallop dredge;

(b) a creel; or

(c) a trawl used for fishing for Norway lobsters.

(3) The prohibition in paragraph (1)(b) does not apply to any fishing boat that fishes with only—

(a) a scallop dredge; or

(b) a creel.

(4) Paragraph (2) is not to be read as allowing any fishing for sea fish in any part of the area
described in paragraph (1)(a) which is otherwise prohibited by the South Arran Marine
Conservation Order 2015 (e).

(a) Cmnd. 2586.
(b) 1995 c.21.
(c) OJ L 125, 27.4.98, p.1, as last amended by Regulation (EU) 2015/812 of the European Parliament and of the Council (OJ L
133, 29.5.2015, p.1); Annex I was relevantly amended by Council Regulation (EC) No 308/1999 (OJ L 38, 12.2.99, p.6).
(d) These are co-ordinates of latitude and longitude according to the World Geodetic System 1984 (“WGS 84”). WGS84 is
defined at paragraph 2.1 of the United States National Imagery and Mapping Agency Technical Report TR8350.2, third
info.nga.mil/GandG/publications/tr8350.2/wgs84fin.pdf). The International Council for the Exploration of the Sea (ICES)
standardises the division of sea areas for statistical analysis. Each ICES statistical rectangle is “30 min latitude by 1 degree
longitude” in size. A more detailed description of ICES statistical rectangles is available at http://www.ices.dk/marine-
data/maps/Pages/ICES-statistical-rectangles.aspx.
(e) S.S.I. 2015/437.
Revocation

4. The Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2016(a) is revoked.

FERGUS EWING
A member of the Scottish Government

St Andrew’s House,
Edinburgh
14th December 2017

(a) S.S.I. 2016/12.
EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits, subject to certain exceptions, all methods of fishing within specified areas of the Firth of Clyde from 14th February until 30th April, during both 2018 and 2019 (articles 1(3) and 3(1)). It is made in accordance with the procedure set out in Article 46 of Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and it remains in force until the end of 30th April 2019 (article 1(2)).

The areas closed to fishing under this Order are shown on the illustrative map which accompanies this Note.

The area diagonally hatched on the illustrative map is defined in article 3(1)(a).

The area horizontally hatched on the illustrative map is defined in article 3(1)(b).

The Order applies only to British fishing boats (article 3(1)). The prohibition does not apply to fishing boats that fish within the closed areas exclusively with scallop dredges, creels and (in relation to the area diagonally hatched on the illustrative map) trawls used for fishing for Norway lobsters (article 3(2) and (3)). However, the South Arran Marine Conservation Order 2015 imposes separate restrictions on fishing activities within part of the area described in article 3(1)(a). Article 3(4) provides that article 3(2) is not to be read as allowing fishing for sea fish within part of the area described in article 3(1)(a), where this is otherwise prohibited under that Order.

It is an offence under section 5(1) of the Sea Fish (Conservation) Act 1967 to use a fishing boat in contravention of a prohibition imposed by this Order. The penalties are fixed by section 11 of that Act. On summary conviction, the penalty is a fine not exceeding £50,000. On conviction on indictment, the penalty is an unlimited fine. In either case, the court may also order forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used in committing the offence. On summary conviction, if the court does not order the forfeiture of fish, it may impose an additional fine not exceeding the value of the fish.

The Order revokes the Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2016 (article 4).

A business and regulatory impact has been prepared in relation to this Order and placed in the Scottish Parliament Information Centre. A copy of this can be obtained from Marine Scotland, the Scottish Government, Victoria Quay, Edinburgh EH6 6QQ.
Illustrative Map Referred to in the Explanatory Note to the Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2017
Title of Proposal
The Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2017

Purpose and intended effect

• Background

In response to the International Council for Exploration of the Sea (ICES) advice on the poor state of cod stocks, the European Union (EU) introduced a number of temporary closures in 2000 and 2001 to protect adult cod during the spawning season in both the Irish Sea and the Firth of Clyde.

Since 2002, the decision to implement the closure in the Firth of Clyde has rested with Scottish Government and we have implemented the closure every year by means of an SSI.

In addition, Marine Scotland Science has been involved with an industry led programme of work delivering a biannual survey of cod in the closed area. The survey began in March 2016 and is due to last 5 years. Interim reports have confirmed that cod still spawn in the closed area and during the closed period reaffirming that the closure is in the correct place and time to protect spawning cod. The study aims to look at the population of cod in the Clyde and inform future management decisions.

• Objective

To protect cod in the Firth of Clyde from fishing mortality during the spawning period in a recognised spawning ground.

• Rationale for Government intervention

Since the purpose of the proposed SSI is to conserve cod stocks, it falls within an area of exclusive EU competence (i.e. the conservation of marine biological resources under the Common Fisheries Policy (CFP)). This means that Scottish Ministers can only legislate if they inform the European Commission of their intention and allow the Commission a month to object. The Commission has been notified and has registered no objection to the proposed instrument. By making this proposal to help safeguard cod stocks for the future we are contributing toward our National Outcome “We value and enjoy our built and natural environment and protect it and enhance it for future generations” and our National Indicator to help “improve the state of Scotland's marine environment”.

Consultation

• Within Government

Colleagues from Marine Scotland Science, Marine Scotland Planning and Policy, Marine Scotland Sea Fisheries and Marine Scotland Compliance have been consulted. No new comments were made on the proposal.
• **Public Consultation**

The Scottish Government consulted with key stakeholders regarding this proposal in August/September 2017. Stakeholders were allowed 5 weeks to comment and the consultation ended on Friday 29th September 2017. There were 3 responses to the consultation from the fishing industry. All of the responses were broadly supportive and agreed that the closure should be introduced for 2018/19 as in previous years, including the derogations hitherto applied.

• **Business**

The circulation list for the public consultation included representatives of the fishermen who would primarily be affected by the closure. They agreed that the Clyde closure should remain in place for 2018/19.

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### Options

It is difficult to quantify the costs or benefits in this case because the Statutory Instrument has been implemented every year since 2002. Prior to this time fishing conditions were very different than they are today. As a result it becomes difficult to compare and contrast between the time before the closure to the present day to quantify the cost or benefit of not having it in place now. We are clear however that we have a responsibility on many levels to protect cod populations in whichever way is suggested by the evidence.

**Option A: Do not maintain a closure**

**Costs**

Under this option there is a potential environmental loss of an iconic fish species. Research has shown that cod from the Clyde are reproductively isolated, and have little detectable biological exchange with spawning aggregations in waters to the north west of Scotland. Genetic evidence also supports this population structure as Clyde cod were found to have a greater affinity to cod from the Irish Sea than those from the northern aggregations. The Irish Sea stock is now assessed by ICES to have a spawning stock biomass above the level consistent with the Maximum Sustainable Yield (MSY) reference point. Recruitment remains low however and if the Clyde population does contribute to the Irish Sea stock then spawning should still be protected in the Firth of Clyde.

Not introducing a closure could be deleterious to the cod stock, particularly given the likelihood of increased fishing pressure displaced by conservation measures in the Irish Sea. The most recent scientific advice from ICES for cod in Division 6a (West of Scotland) – which includes the Clyde - states that recruitment of cod has been low since 2001 and is considered impaired and when the MSY approach is applied there should be zero catches 2018 or 2019.

If the cod stocks become depleted further this would have long term financial costs. Fishermen would be at high risk of losing this valuable resource altogether as would the marine ecosystem.
Benefits

Demersal fishermen would be able to fish unhindered in the specified area all year round, avoiding any potential short-term cash-flow problems that might be caused by temporarily prohibiting activity in the Clyde. In the Campbeltown district the total of demersal fish landings was 33 tonnes in 2016 with a value of £56,000. The shellfish and Norway Lobster sector which are allowed to fish under the derogations in the SSI had total landings of 5,233 tonnes with a value of approximately £14.3 million.

Concern over cod continues to affect fishing opportunities for other, healthier stocks such as haddock, which can be difficult to catch without also catching cod. Measures to help recover cod, such as the proposed Clyde closure, are therefore important among efforts to ensure fishermen are afforded adequate opportunities to fish other demersal species in the long term.

Option B: Status quo during 2018 and 2019

Costs

There are no additional costs associated with continuing the closure for a further 2 years.

The proposed closure areas are within Area 6a, which has a zero total allowable catch (TAC) for cod and a 1.5% bycatch limit, i.e. targeting cod is not permitted in the area of the proposed closure all year round.

Benefits

The closure protects spawning areas, and as such provides a higher chance of stock recovery and future fishing opportunities. In fact recent scientific advice for the Irish Sea cod stock with which the spawning stock in the Clyde has a higher genetic affinity has noted improvements in the health of the stock since 2007. Although this cannot be directly attributed to the closure, recent improvements in the stock are likely to be due to decreases in fishing mortality in that area.

Retaining the closure provisions introduced in previous years provides a degree of consistency that will help to avoid disruption to fishing patterns established since 2001, and will help ensure fishermen comply with the restrictions. This is evident in that there is almost 100% compliance within the closed areas.

Scottish Ministers have committed to a programme of research and practical measures called 'Clyde 2020' to contribute to restoration of the Clyde marine ecosystem. The work will be overseen by a sub-group of the Clyde Marine Planning Partnership. We consider that the continuation of the closure will contribute to the aims of Clyde 2020. Clyde 2020 will implement a programme of work to enhance the Clyde marine ecosystem; as part of this work it will consider what further management may be needed.

The present closure area, and the derogation for Norway Lobster trawls in part of the area, offer fishermen alternative opportunities to catch Norway Lobster during the closure period. In the Campbeltown district the total of demersal fish landings was 33 tonnes in 2016 with a value of £56,000. The shellfish and Norway Lobster sector which are allowed to fish under the derogations in the SSI had total landings of 5,233 tonnes with a value of approximately £14.3 million.
Scottish Firms Impact Test

All fishing vessels affected can be considered small businesses. These businesses have been consulted in the development of the proposed legislation via their fisheries associations. In particular the Clyde Fishermen’s Association, whose fishermen predominantly work in and around the area affected, were consulted. They, on behalf of their members, agreed that the Clyde Closure should remain in place for 2018 and 2019.

The subordinate legislation will not affect quota levels and should not prevent fishermen catching their full quota over the course of the year, although there may be some short term effects on cash flow during the closure.

Competition Assessment

There will be no negative competitive impact arising from this regulation. The regulation will not lead to a differentiation in costs between new and existing fishermen. The regulation is unlikely to affect the market structure. The measures will apply to all British vessels in the specified areas of Scottish waters.

Legal Aid Impact Test

Maintaining a closure in 2018 and 2019 would not give rise to increased use of legal processes or create new rights or responsibilities and should therefore have no new impact on the legal aid fund.

Enforcement, sanctions and monitoring

Enforcement and sanctions

Enforcement would be undertaken predominantly by Marine Scotland Compliance, operating under Scottish legislation. If the measures are found to have been contravened, a fine not exceeding £50,000 may be levied. The court can also order the forfeiture of any fish in respect of which the offence was committed and of any net or gear used in the commission of the offence. On summary conviction, if the court does not order the forfeiture of fish, it may impose an additional fine not exceeding the value of the fish.

Monitoring and review

Marine Scotland Science is responsible for monitoring levels of fishing activity and the effect of particular fishing methods on stocks in Scottish waters, within the framework of a strategic work programme determined by the Scottish Government. It will be possible to review the effect of these measures by assessing landings data from before and after their introduction.

In addition, Marine Scotland Science has been involved with an industry led programme of work delivering a biannual survey of cod in the closed area. The survey began in March 2016 and is due to last 5 years. Interim reports have confirmed that cod still spawn in the closed area and during the closed period reaffirming that the closure is in the correct place and time to protect spawning cod.
Implementation and delivery plan

The Order received ministerial agreement after consideration of the responses from the stakeholder consultation. It is proposed to lay the Order in mid-December 2017 and it is expected to come into force on 14th February 2018.

Post Implementation Review

The work of the Clyde 2020 programme, along with further scientific advice and the views of stakeholders, will be considered by the Scottish Government while deciding if any alternative or complementary measures could be considered longer-term following the 2018/19 Order.

Summary and recommendation

The potential medium term biological improvements to the stock and the potential economic gains in terms of larger catches in the future outweigh the short-term and temporary costs of restrictions on catching during the 11-week closure. Given the continued poor state of the cod stock (ICES advises no directed fishing) even a small potential benefit is likely to be worth maintaining the current closure. Although there may be a reduction in demersal catches during the closure, the quota remains unchanged. The total amount of cod or other species that fishermen are able to land during 2018 and 2019 is unaffected by the closure. The Scottish Government therefore intends to legislate for a spawning season closure as per option B.

- Summary costs and benefits table

<table>
<thead>
<tr>
<th>Option</th>
<th>Total benefit per annum: economic, environmental, social</th>
<th>Total cost per annum: economic, environmental, social</th>
<th>policy and administrative</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Demersal fishing (albeit a small proportion of boats in the West of Scotland) would be able to fish unhindered all year long. Although a zero TAC and by-catch restriction limits cod catches all year round,</td>
<td>Potential environmental loss of an iconic fish species. If the cod stock is further depleted it may have longer term financial impacts.</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>Promoting west of Scotland cod stock recovery, for future stock conservation and potential fishing opportunities.</td>
<td>Short-term revenue loss but no loss over the course of a year. Zero TAC and by-catch restrictions limit cod catches all year round anyway.</td>
<td></td>
</tr>
</tbody>
</table>
Declaration and publication

I have read the Business and Regulatory Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed:

Date:

Fergus Ewing
Cabinet Secretary for the Rural Economy and Connectivity

Scottish Government Contact point:
Leeanne Mullan
Marine Scotland, Sea Fisheries
0131 244 6194
Annexe B – Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017 (SSI 2017/455)

Type of instrument: Negative

Laid date: 21 December 2017

Coming into force: 25 February 2018

Minister to attend the meeting: No

Procedure

1. Under negative procedure, an instrument comes into force on the date specified on it (the “coming into force date”) unless a motion to annul is agreed to by the Parliament within the 40-day period. Lead committees are not obliged to report to the Parliament on negative instruments, except where a motion recommending annulment has been lodged.

Consideration by the Delegated Powers and Law Reform Committee

2. At its meeting on 16 January 2018, the DPLR Committee considered this instrument and determined it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

Policy Objectives

3. The legislation seeks to introduce management measures for Scotland’s crab and lobster fisheries. The main aim is to help reduce fishing mortality and to protect juvenile and/or fertile individuals of these species by regulating the size or condition in which they can be landed, sold, or carried on board a fishing boat, in order to improve the long-term management and sustainability of the respective fish stocks.

5. As well as introducing new management measures, the instrument also revokes and remakes several existing pieces of related fisheries legislation, for consolidation purposes.

6. A consultation on the proposals took place during February to May 2016. 119 responses were received, from private individuals and organisations, primarily those with a direct interest in the crab and lobster fisheries, fishermen or fishing associations. Various changes were made to the final order in response to the consultation response, which relate to minimum or maximum catch size and are detailed in the policy note.

7. The policy note, instrument and Business and Regulatory Impact Assessment are attached in this Annexe. They are also available online here:


Recommendation

8. The Committee is invited to consider any issues that it wishes to raise in reporting to the Parliament on this instrument.

Rural Economy and Connectivity Committee clerks
January 2018
POLICY NOTE

THE SPECIFIED CRUSTACEANS (PROHIBITION ON LANDING, SALE AND CARRIAGE) (SCOTLAND) ORDER 2017

SSI 2017/455

The above instrument was made in exercise of the powers conferred by sections 1(1), (2), (3), (4) and (6), 6(1) and (3), 15(3), 20(1), 22(2) and 22A of the Sea Fish (Conservation) Act 1967, and section 1 of the Inshore Fishing (Scotland) Act 1984. The instrument is subject to negative procedure.

Policy Objectives

The main purpose of the instrument is to introduce new management measures for Scotland’s crab and lobster fisheries, specifically edible crab (*Cancer pagurus*), velvet crab (*Necora puber*) and lobster (*Homarus gammarus*).

The aim of these measures is to protect juvenile and/or fertile individuals of these species by regulating the size or condition in which they can be landed, sold, or carried on board a fishing boat, in order to improve the long-term management and sustainability of the respective fish stocks.

The new management measures being introduced are:

- A minimum size for landing edible crabs in Scotland of 150 mm carapace width (except the Shetland Islands)
- A minimum size for landing velvet crabs in Scotland of 70 mm carapace width
- A prohibition in Scotland on the selling or offering for sale of velvet crabs measuring less than 70 mm carapace width
- A prohibition on fishing boats within the Scottish zone carrying velvet crabs measuring less than 70 mm carapace width
- A prohibition on the landing in Scotland of berried velvet crabs (i.e. females which are bearing eggs) caught in Scottish territorial waters
- A minimum size for landing lobster on the west coast of mainland Scotland, from Cape Wrath to 55 degrees north latitude, of 88 mm carapace length (increasing to 90 mm carapace length from 25 February 2019)
- A maximum size for landing female lobster in Scotland of 145 mm carapace length (except the Orkney Islands and Shetland Islands)

The instrument will also revoke and remake several existing pieces of fisheries legislation relating to crab and lobster, in order to consolidate several of the existing measures pertaining to the landing, sale or carriage of specified crustacean species in Scotland.
These existing management measures are:

- A minimum size for landing male spider crabs (*Maja squinado*) in Scotland of 130 mm carapace width
- A minimum size for landing green crabs (*Carcinus maenas*) in the Orkney Islands of 70 mm carapace width
- A minimum size for landing lobster in the Outer Hebrides and the Orkney Islands of 90 mm carapace length
- A minimum size for landing lobster in Scotland of 87 mm carapace length (except the Shetland Islands and those areas where a different minimum size has been prescribed)
- A prohibition in Scotland on the selling or offering for sale of lobster measuring less than 87 mm carapace length
- A prohibition on fishing boats within the Scottish zone to carry lobster measuring less than 87 mm carapace length
- A maximum size for landing female lobster in the Orkney Islands and Shetland Islands of 155 mm carapace length
- A prohibition on the landing of crippled female lobster (i.e. missing part or all of the crusher claw, or part or all of the cutter claw) in Scotland caught in the inshore waters surrounding the Outer Hebrides

**Consultation**

Marine Scotland issued a public consultation on management proposals for the Scottish crab and lobster fisheries which took place from 26 February 2016 to 20 May 2016.

A total of 119 responses were received, consisting of 93 private individuals and 26 organisations. Respondents were primarily those with a direct interest in the crab and lobster fisheries, with the majority of private individuals and organisations being either fishermen or fishing associations respectively.

The management proposals that the consultation sought views on were:

- Increasing the minimum landing size for edible crab to 150 mm carapace width
- Increasing the minimum landing size for velvet crab to 70 mm carapace width
- Prohibiting the landing of berried (egg bearing) velvet crab
- Increasing the minimum landing size for lobster to 90 mm carapace length
- Decreasing the maximum landing size for female lobster to 145 mm carapace length
- Introducing a maximum landing size for male lobster of 145 mm carapace length
- Prohibiting the landing of 'crippled' lobsters (those missing one or both claws)
- Introducing prohibitions on sale and carriage to match any landing prohibitions that are implemented on a uniform basis across the entire Scottish coast
Most of the proposals were supported by a majority of respondents and are being introduced as originally proposed. The following changes were made following stakeholder feedback:

- The minimum size for landing edible crab will not be increased to 150 mm carapace width in the Shetland Islands. The Shetland Shellfish Management Organisation (SSMO) stated in its response that it wished to retain a 140 mm minimum size.

  The SSMO already has a number of measures in place to manage Shetland’s edible crab fishery using powers granted by a Regulating Order, and has achieved Marine Stewardship Council (MSC) certification for the fishery.

- A majority of respondents from the east coast, and the Solway Firth on the west coast, were opposed to the minimum size for landing lobster being increased to 90 mm carapace length. However, a majority of respondents from the rest of the west coast supported the proposal.

  Taking account of the differing nature of the fishery around the Scottish coast, the possible economic impacts, and the views received during the consultation, the minimum size is being increased on the west coast from Cape Wrath to as far south as latitude 55°N.

- The maximum size for landing female lobster will not be decreased to 145 mm carapace length in the Shetland Islands or Orkney Islands. The SSMO stated in its response that it wished to retain a maximum size of 155 mm, while respondents from Orkney were generally opposed to the proposal.

  Shetland and Orkney already have in place a more restrictive landing control for their respective lobster fisheries, with a minimum size of 90 mm carapace length.

- A maximum size for landing male lobster and a prohibition on the landing of ‘crippled’ lobster will not be introduced. These proposals were opposed by a majority of respondents, due to the possible economic impact and enforcement challenges.

A full analysis of the responses to the consultation is available in the outcome report: [www.gov.scot/Publications/2017/01/1817](http://www.gov.scot/Publications/2017/01/1817).

**EU Considerations**

**Technical conservation measures**

These are technical conservation measures, therefore Article 46 of Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms applies. The European Commission has been informed timely in accordance with this article and no objections have been raised.

Article 46 of EC 850/98 states that national measures for the conservation and management of stocks can be applied solely to the fishermen of the Member State concerned, therefore these measures will apply only to Scottish or other British fishing boats.
The most recent Scottish sea fisheries statistics report that there have been a total of 8.7 tonnes of edible crab landed into Scotland by foreign boats during the five year period 2012-16. There have been no landings of lobster or velvet crab into Scotland by foreign boats during this period.

**Impact Assessments**

This instrument has no effect on any equality issues.

**Financial Effects**

A Final Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. In summary, the impacts of this policy on businesses are:

- Increasing the minimum sizes for landing edible crab, velvet crab and lobster is expected to cause a short term reduction in landings of these species. The potential financial impacts on landings into Scotland are estimated to be:
  - Edible crab: between 787 to 1,423 tonnes (£1.1 million to £2 million)
  - Velvet crab: between 131 to 305 tonnes (£331,000 to £774,000)
  - Lobster: between 8 to 23 tonnes (£100,500 to £277,300)

This is a short term reduction, as it is expected that the majority of surviving newly-undersized animals will grow to a harvestable size within one year of the new minimum sizes coming into force.

Additionally, the minimum size for landing lobster is being increased on a staggered basis in order to mitigate any financial impact. This involves an immediate increase to 88 mm carapace length, then to 90 mm from 25 February 2019.

- Prohibiting the landing of berried velvet crab will remove females that are bearing eggs from the commercial fishery. The potential financial impact on landings into Scotland is estimated to be between 2.5 to 24 tonnes (£6,500 to £59,700).

- Decreasing the maximum size for landing female lobster to 145 mm carapace length will remove females above this size from the commercial fishery. The potential financial impact on landings into Scotland is estimated to be up to 5 tonnes (£62,700).

**Scottish Government**

**Marine Scotland**

**December 2017**
The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1(1), (2), (3B), (4) and (6), 6(1) and (3), 15(3), 20(1), 22(2) and 22A of the Sea Fish (Conservation) Act 1967(a), section 1 of the Inshore Fishing (Scotland) Act 1984(b) and all other powers enabling them to do so.

Citation, commencement and application

1.—(1) This Order may be cited as the Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017 and comes into force on 25th February 2018.

(2) This Order applies only in relation to Scotland and the Scottish zone.

Interpretation

2. In this Order—

“the Act” means the Sea Fish (Conservation) Act 1967;

“co-ordinate” means a co-ordinate of latitude and longitude according to the World Geodetic System 1984 datum(c); and

(a) 1967 c.84 (“the Act”); section 1 was substituted by the Fisheries Act 1981 (c.29), section 19(1) and was relevantly amended by the Merchant Shipping Act 1995 (c.21), schedule 13, paragraph 38(a) and the Marine and Coastal Access Act 2009 (c.23), section 194, which extends to Scotland by virtue of the Marine (Scotland) Act 2010 (asp 5) (“the 2010 Act”), section 158(1). Section 6(1) was amended by S.I. 1999/1820, schedule 2, paragraph 43(6)(a). Section 15(3) of the Act was substituted by the Sea Fisheries Act 1968 (c.77), section 22(5) and schedule 1, paragraph 38(3) and amended by the Fishery Limits Act 1976 (c.86), schedule 2, paragraph 16(1) and S.I. 1999/1820. Sections 1, 6, 15(3), 20 and 22(2) of the Act are modified in relation to Scotland by section 22A(2), (2A), (7), (10), (11) and (12) of the Act. Section 22A was inserted by S.I. 1999/1820, schedule 2, paragraph 43(13) and was amended by the 2010 Act, section 159. Section 22(2) of the Act, which contains a definition of "the Ministers" was relevantly amended by the Fisheries Act 1981 (c.29), sections 19(2)(d) and (3) and 45 and by S.I. 1999/1820, schedule 2, paragraph 43(12). The definition was modified in relation to Scotland by section 22A(12)(b) of the Act.

(b) 1984 c.26 (“the 1984 Act”). Section 1 was amended by the Inshore Fishing (Scotland) Act 1994 (c.27) (“the 1994 Act”), section 1. The definition of “Scottish inshore waters” in section 9(1) of the 1984 Act was amended by section 4(2) of the 1994 Act. Sections 1 and 9(1) of the 1984 Act were also amended by S.I. 1999/1820.

“foreign fishing boat” means any fishing boat other than a fishing boat which is either registered in the United Kingdom under Part II of the Merchant Shipping Act 1995\(^{(a)}\) or is owned wholly by persons qualified to own British ships for the purposes of that Part of that Act.

Prescribed minimum size for landing edible crabs in Scotland

3.—(1) For the purposes of section 1(1) of the Act (which prohibits the landing in Scotland of any sea fish of any description, which does not meet such requirements as to size as may be prescribed in relation to sea fish of that description), there is prescribed as the minimum size in relation to sea fish of the description of edible crab a size of 150 millimetres.

(2) Landing from foreign fishing boats is exempted from the prohibition imposed by section 1(1) of the Act, as read with paragraph (1).

(3) Landing into the Shetland Islands is exempted from the prohibition imposed by section 1(1) of the Act, as read with paragraph (1).

(4) In this article—
   “edible crab” means crab of the species *Cancer pagurus*; and
   “size”, in relation to an edible crab, means the maximum width of the carapace, measured perpendicular to the antero-posterior midline of the carapace, as shown in schedule 1.

Prohibitions on landing, sale, exposure or offer for sale or possession, or carriage of velvet crabs

4.—(1) For the purposes of section 1(1) of the Act (which prohibits the landing in Scotland of any sea fish of any description, which does not meet such requirements as to size as may be prescribed in relation to sea fish of that description), there is prescribed as the minimum size in relation to sea fish of the description of velvet crab a size of 70 millimetres.

(2) For the purposes of section 1(2) of the Act (which prohibits in Scotland the sale, exposure or offer for sale or possession for the purpose of sale of any sea fish of any description, which does not meet such requirements as to size as may be prescribed in relation to sea fish of that description), there is prescribed as the minimum size in relation to sea fish of the description of velvet crab a size of 70 millimetres.

(3) For the purposes of section 1(3B) of the Act (which prohibits the carriage on specified fishing boats of any sea fish of any description, which does not meet such requirements as to size as may be prescribed in relation to sea fish of that description) there is prescribed as the minimum size in relation to sea fish of the description of velvet crab a size of 70 millimetres.

(4) It is prohibited for a relevant British fishing boat within the Scottish zone to carry any velvet crab with a size of less than 70 millimetres.

(5) The landing in Scotland of any berried velvet crab, caught in the territorial sea of the United Kingdom adjacent to Scotland, is prohibited.

(6) Landing from foreign fishing boats is exempted from the prohibition imposed by—
   (a) section 1(1) of the Act, as read with paragraph (1); and
   (b) paragraph (5).

(7) The sale, exposure or offer for sale or possession for the purpose of sale of any velvet crab which is landed from foreign fishing boats is exempted from the prohibition imposed by section 1(2) of the Act, as read with paragraph (2).

(8) In this article—
   “berried velvet crab” means a female velvet crab which is bearing eggs;

\(^{(a)}\) 1995 c.21.
“size” in relation to a velvet crab, means the width of the carapace measured across the broadest part, excluding spines, of the back, as shown in schedule 2;

“the territorial sea of the United Kingdom adjacent to Scotland” means waters which are treated as the territorial sea of the United Kingdom adjacent to Scotland, within the boundaries described in article 3 and schedule 1 of the Scottish Adjacent Waters Boundaries Order 1999(a); and

“velvet crab” means crab of the species *Necora puber*.

### Prescribed minimum size for landing spider crabs in Scotland

5.—(1) For the purposes of section 1(1) of the Act (which prohibits the landing in Scotland of any sea fish of any description, which does not meet such requirements as to size as may be prescribed in relation to sea fish of that description), there is prescribed as the minimum size in relation to sea fish of the description of male spider crab a size of 130 millimetres.

(2) Landing from foreign fishing boats is exempt from the prohibition imposed by section 1(1) of the Act, as read with paragraph (1).

(3) In this article—

“size”, in relation to a spider crab, means the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace and is to be measured as shown in schedule 3; and

“spider crab” means crab of the species *Maja squinado*.

### Prescribed minimum size for landing green crabs in the Orkney Islands

6.—(1) For the purposes of section 1(1) of the Act (which prohibits the landing in Scotland of any sea fish of any description, which does not meet such requirements as to size as may be prescribed in relation to sea fish of that description), in relation to landing in the Orkney Islands, there is prescribed as the minimum size in relation to sea fish of the description of green crab a size of 70 millimetres.

(2) Landing from foreign fishing boats is exempted from the prohibition imposed by section 1(1) of the Act, as read with paragraph (1).

(3) In this article—

“green crab” means crab of the species *Carcinus maenas*; and

“size”, in relation to a green crab, means the maximum width of the carapace (including the spines) measured perpendicular to the antero-posterior midline of the carapace and is to be measured as shown in schedule 4.

### Prohibitions on landing, sale, exposure or offer for sale or possession, or carriage of lobsters

7.—(1) For the purposes of section 1(1) of the Act (which prohibits the landing in Scotland of any sea fish of any description, which does not meet such requirements as to size as may be prescribed in relation to sea fish of that description), in relation to landing in the areas of coast specified in paragraph (2), there is prescribed as the minimum size in relation to sea fish of the description of lobster a size of 90 millimetres.

(2) The areas of coast are—

(a) the coasts of the islands of the Orkney Islands;

(b) the coasts of the islands of the Outer Hebrides.

(3) For the purposes of section 1(1) of the Act, in relation to landing in the west coast of mainland Scotland, stretching in a generally westerly and southerly direction from Cape Wrath at co-ordinate 58°37.642’ north latitude 005°00.295’ west longitude to the point at which the west
coast of mainland Scotland intersects with the line of 55 degrees north latitude, there is prescribed as the minimum size in relation to sea fish of the description of lobster—

(a) from 25th February 2018 to 24th February 2019, both dates inclusive, a size of 88 millimetres;

(b) on or after 25th February 2019, a size of 90 millimetres.

(4) For the purposes of section 1(1) of the Act, in relation to landing in any other part of the coastline of Scotland except the coasts of the islands of the Shetland Islands and those areas specified in paragraphs (2) and (3), there is prescribed as the minimum size in relation to sea fish of the description of lobster a size of 87 millimetres.

(5) For the purposes of section 1(1) of the Act, in relation to landing in any of the areas of coast specified in paragraph (6), there is prescribed as the maximum size in relation to sea fish of the description of female lobster a size of 155 millimetres.

(6) The areas of coast are—

(a) the coasts of the Shetland Islands;

(b) the coasts of the Orkney Islands.

(7) For the purposes of section 1(1) of the Act, in relation to landing in any other part of the coastline of Scotland except those areas specified in paragraph (6), there is prescribed as the maximum size in relation to sea fish of the description of female lobster a size of 145 millimetres.

(8) For the purposes of section 1(2) of the Act (which prohibits in Scotland the sale, exposure or offer for sale or possession for the purpose of sale of any sea fish of any description, which does not meet such requirements as to size as may be prescribed in relation to sea fish of that description), there is prescribed as the minimum size in relation to sea fish of the description of lobster a size of 87 millimetres.

(9) For the purposes of section 1(3B) of the Act (which prohibits the carriage on specified fishing boats of any sea fish of any description, which does not meet such requirements as to size as may be prescribed in relation to sea fish of that description), there is prescribed as the minimum size in relation to sea fish of the description of lobster a size of 87 millimetres.

(10) It is prohibited for a relevant British fishing boat within the Scottish zone to carry any sea fish of the description of lobster with a size of less than 87 millimetres.

(11) It is prohibited to land in Scotland any sea fish of the description of crippled female lobster, caught in the waters described in schedule 6.

(12) Landing from foreign fishing boats is exempted from the prohibitions imposed by section 1(1) of the Act, as read with paragraphs (1) to (7), and by paragraph (11).

(13) The sale, exposure or offer for sale or possession for the purpose of sale of any lobster which is landed from foreign fishing boats is exempted from the prohibition imposed by section 1(2) of the Act, as read with paragraph (8).

(14) In this article—

“crippled female lobster” means a female lobster missing part or all of its crusher claw, or part or all of its cutter claw;

“lobster” means lobster of the species *Homarus gammarus*; and

“size”, in relation to a lobster, means the length of the carapace parallel to the midline, from the back of either eye socket to the distal edge of the carapace and is to be measured in accordance with schedule 5.

**Revocations**

8.—(1) The following Orders are revoked:—

(a) the Undersized Lobsters (Scotland) Order 2000(a);
(b) the Undersized Spider Crabs (Scotland) Order 2000(a);
(c) the Undersized Edible Crabs (Scotland) Order 2000(b);
(d) the Outer Hebrides (Landing of Crabs and Lobsters) Order 2015(c);
(e) the Orkney Islands (Landing of Crabs and Lobsters) Order 2016(d).

(2) The Undersized Velvet Crabs Order 1989(e) is revoked in relation to Scotland and the Scottish zone.

(3) Article 9 of the Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 2004(f) (prohibition of fishing for lobsters) is revoked.

FERGUS EWING
A member of the Scottish Government

St Andrew’s House,
Edinburgh
19th December 2017

(a) S.S.I. 2000/198.
(b) S.S.I. 2000/228, as amended by S.S.I. 2015/183.
(c) S.S.I. 2015/183.
(d) S.S.I. 2016/50.
(f) S.S.I. 2004/276.
SCHEDULE 1

Article 3(4)

MEASUREMENT OF THE SIZE OF AN EDIBLE CRAB
SCHEDULE 2

Article 4(8)

MEASUREMENT OF THE SIZE OF A VELVET CRAB
SCHEDULE 3  
Article 5(3)  
MEASUREMENT OF THE SIZE OF A SPIDER CRAB
SCHEDULE 4

Article 6(3)

MEASUREMENT OF THE SIZE OF A GREEN CRAB
SCHEDULE 5

Article 7(14)

MEASUREMENT OF THE SIZE OF A LOBSTER
SCHEDULE 6

DESCRIPTION OF THE SPECIFIED WATERS

Interpretation

1. In this schedule—
    “miles” means international nautical miles of 1,852 metres; and
    “Scottish inshore waters” means the area adjacent to the coast of Scotland and within the
    Scottish zone, and to the landward of a limit of six miles from the baseline from which the
    breadth of the territorial sea is measured, up to the mean high-water mark of ordinary spring
    tides.

Description of the specified waters

2.—(1) That part of Scottish inshore waters which is bounded by the lines (the topographical
    descriptions of which are provided in the fourth column of the following table) which join in
    sequential order the co-ordinates listed and identified in the first, second and third columns.

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Co-ordinate | North Latitude | West Longitude | Topographical description of boundary line
---|---|---|---
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74 | 56°53.37′ | 007°01.92′ | Loxodrome
75 | 56°51.25′ | 007°02.24′ | Loxodrome
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81 | 56°43.19′ | 007°13.69′ | Loxodrome
82 | 56°32.86′ | 007°29.30′ | Loxodrome
83 | 56°30.97′ | 007°33.56′ | Boundary line following the seaward limit of Scottish inshore waters
84 | 58°40.31′ | 005°41.06′ |

(2) Those parts of Scottish inshore waters which are adjacent to the following Scottish islands (the centroid co-ordinates of which are listed in the second and third columns of the following table) and are bounded to the north, east, south and west by the seaward limit of Scottish inshore waters.

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<th>Island</th>
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<tr>
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<td>St Kilda (Boreray)</td>
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<tr>
<td>Flannan Isles (Eilean Mor)</td>
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<tr>
<td>Flannan Isles (Soraidh)</td>
<td>58°16.43′</td>
<td>007°35.34′</td>
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</table>
EXPLANATORY NOTE
(This note is not part of the Order)

This Order makes provisions regarding fishing for, landing, sale, exposure or offer for sale and possession for the purposes of sale and carriage of specified crustaceans in Scotland and the Scottish zone.


Article 3(1) of the Order prescribes a minimum size for the landing of edible crab in Scotland. Article 3(2) provides that there is an exemption from this minimum landing size in relation to landings from foreign fishing boats. Article 3(3) provides for an additional exemption in relation to landings of edible crab in the Shetland Islands. The effect of this provision, as combined with section 1(1) of the Sea Fish (Conservation) Act 1967 (“the 1967 Act”), is to prohibit the landing in all of Scotland (except the Shetland Islands) of edible crab which do not meet the requirements as to minimum size. The minimum size for the landing of edible crab in the Shetland Islands remains prescribed by Article 19(1) and Annex XII of Council Regulation (EC) No 850/98 (OJ No L 125, 27.4.1998, p.1) for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (“the Council Regulation”).

Article 4(1) of the Order prescribes a minimum size for the landing of velvet crab in Scotland. The effect of this provision, as combined with section 1(1) of the 1967 Act, is to prohibit the landing in Scotland of velvet crab which do not meet the requirements as to minimum size. Article 4(2) prescribes a minimum size for the sale, exposure or offer for sale or possession in Scotland. The effect of this provision, as combined with section 1(2) of the 1967 Act, is to prohibit the selling, exposure or offering for sale or possession of any velvet crab in Scotland which does not meet the requirements as to minimum size. Article 4(3) and (4) prohibits UK fishing boats other than Scottish fishing boats from carrying velvet crabs within the Scottish zone if they measure less than a prescribed minimum size. A similar prohibition applies to Scottish fishing boats, by virtue of article 4(3) and section 1(3B) of the 1967 Act. Article 4(5) prohibits the landing in Scotland of any berried velvet crab which is caught in the territorial sea (0 – 12 nautical mile limits) of the UK adjacent to Scotland. Article 4(6) and (7) provides for exemptions to these prohibitions in relation to landings from foreign fishing boats.

Article 5(1) of the Order prescribes a minimum size for the landing of male spider crab in Scotland. Article 5(2) provides that there is an exemption from this minimum landing size in relation to landings from foreign fishing boats. The effect of this provision, as combined with section 1(1) of the 1967 Act, is to prohibit the landing in Scotland of any male spider crab which does not meet the requirements as to minimum size.

Article 6(1) of the Order prescribes a minimum size for the landing of green crab in the Orkney Islands. Article 6(2) provides that there is an exemption from this minimum landing size in relation to landings from foreign fishing boats. The effect of this provision, as combined with section 1(1) of the 1967 Act, is to prohibit the landing in Scotland of any green crab which does not meet the requirements as to minimum size.

Article 7(1), (2), (3) and (4) of the Order prescribes minimum sizes for the landing of lobster in different parts of Scotland. Article 7(5), (6) and (7) of the Order prescribes maximum sizes for the landing of female lobster in different parts of Scotland. The effect of these provisions, as combined with section 1(1) of the 1967 Act, is to prohibit the landing in Scotland of lobster which do not meet the relevant requirements as to minimum or maximum size. Article 7(8) prescribes a minimum size for the sale, exposure or offer for sale or possession in Scotland. The effect of this provision, as combined with section 1(2) of the 1967 Act, is to prohibit the selling, exposure or...
offering for sale or possession of any lobster in Scotland which does not meet the requirements as to minimum size. Article 7(9) and (10) prohibits UK fishing boats other than Scottish fishing boats from carrying lobster within the Scottish zone if they measure less than a prescribed minimum size. A similar prohibition applies to Scottish fishing boats, by virtue of article 7(9) and section 1(3B) of the 1967 Act. Article 7(11) prohibits the landing in Scotland of any female lobster with a missing or partly missing crusher or cutter claw which is caught in specified inshore waters around the Outer Hebrides. Schedule 6 specifies the geographical extent of these waters. Article 7(12) and (13) provide for exemptions to these prohibitions in relation to landings from foreign fishing boats.

Schedules 1, 2, 3, 4 and 5 include diagrams which demonstrate how an edible crab, a velvet crab, a spider crab, a green crab and a lobster, respectively, are to be measured to determine its size.

Offences and penalties are prescribed in section 1(7) and (8), section 6(5) and section 11 of the 1967 Act. Common enforcement powers are set out in Part 3 of the Aquaculture and Fisheries (Scotland) Act 2013 (asp 7) and Part 7 of the Marine (Scotland) Act 2010 (asp 5).

This Order is made in accordance with the procedure set out in Article 46 of the Council Regulation which authorises Member States to take certain national measures for the conservation and management of local stocks.
## Final Business and Regulatory Impact Assessment

<table>
<thead>
<tr>
<th>Title of Proposal</th>
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<tbody>
<tr>
<td>The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017</td>
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</table>

### Purpose and intended effect

- **Background**
  
  Edible crab, velvet crab and lobster are important to Scotland’s rural economy, with commercial landings of these species into Scotland worth £35.3 million in 2016. Scottish vessels were responsible for 93% of landings by value (£32.9 million).

  Crab and lobster are primarily caught using static gear, commonly known as creels. These are baited traps placed on the seabed and left to ‘soak’ for a period of time before being recovered. The Scottish static gear fishing fleet currently consists of approx. 1,400 active vessels around the coast.

  Stock assessments by Marine Scotland Science have reported that edible crab, velvet crab and lobster are being fished at levels close to or above the $F_{MSY}$ proxy (the fishing mortality consistent with the largest average yield that can continuously be taken from a stock under existing environmental conditions). Their management advice is that reducing the level of fishing mortality could result in a higher yield and biomass for these stocks in the long term.

  In recent years the static gear sector of the fishing industry has expressed increasing concern for the health of the crab and lobster fisheries. Fishing associations and individual fishermen have made representations to Marine Scotland, through the network of Regional Inshore Fisheries Groups (RIFGs) and the Inshore Fisheries Management and Conservation (IFMAC) stakeholder group, calling for the introduction of new management measures.

- **Current regulatory framework**
  
  Edible crab, velvet crab and lobster are not covered by a quota set by the EU as a Total Allowable Catch (TAC). The main harvest controls on fishing for these species within Scottish waters are:

  - Controls on the landing of specified animals (e.g. undersized shellfish), with regulations set at either an EU or national level.
  - Limits on the number of commercial vessels permitted to target the fishery (vessels must have a shellfish entitlement attached to their licence).
  - Seasonal and permanent closures on static gear fishing activity in specified areas of the Scottish coast.

### Local management

Local management of crab and lobster fisheries is in place in the Scottish islands:
The Shetland Shellfish Management Organisation (SSMO) has powers through a Regulating Order to manage the shellfish fisheries in Shetland’s inshore waters (0-6 nautical miles from the coast).

In the Outer Hebrides and Orkney, localised landing controls for crab and lobster have been in force since 2015 and 2016 respectively. These controls were developed by the Regional Inshore Fisheries Groups (RIFG) for these areas as part of their fisheries management plans, and were introduced following public consultation by Marine Scotland.

- **Objective**
  The objective of the legislation is to introduce management measures for Scotland’s crab and lobster fisheries that can help to reduce fishing mortality and increase the long-term average yield of the stocks, therefore improving their sustainability.

- **Rationale for Government intervention**
  The Inshore Fisheries Strategy 2015 outlines the Scottish Government’s vision of a more sustainable and profitable inshore fisheries sector, which includes effectively managing key commercial stocks that are at risk of overexploitation.

  By introducing new landing controls for crab and lobster that can help to reduce fishing mortality and increase the long-term average yield, the Scottish Government will be contributing positively to the management and economic returns of these fisheries.

  This will contribute to the Scottish Government’s National Performance Framework objective of valuing and enjoying our built and natural environment and protecting it and enhancing it for future generations.

  In the absence of Government intervention, Scotland’s crab and lobster stocks (which are a public resource) could decline as high fishing mortality reduces the spawning stock biomass. This could reduce the potential yield and economic returns of these fisheries in the long term.

**Consultation**

- **Within Government**
  Discussions took place between Marine Scotland Compliance, Marine Scotland Science, and Marine Scotland’s Sea Fisheries Division, as part of the internal pre-consultation process.

- **Public Consultation**
  Informed by scientific stock assessments and discussions with the fishing industry, Marine Scotland issued a public consultation on management proposals for the crab and lobster fisheries which took place from 26 February 2016 to 20 May 2016.
The consultation sought views on the following proposals:

- increasing the minimum landing size for edible crab to 150 mm carapace width
- increasing the minimum landing size for velvet crab to 70 mm carapace width
- prohibiting the landing of berried (egg bearing) velvet crab
- increasing the minimum landing size for lobster to 90 mm carapace length
- decreasing the maximum landing size for female lobster to 145 mm carapace length
- introducing a maximum landing size for male lobster of 145 mm carapace length
- prohibiting the landing of 'crippled' lobsters (those missing one or both claws)
- introducing prohibitions on sale and carriage to match any landing prohibitions that are implemented on a uniform basis across the entire Scottish coast

A total of 119 responses were received, coming from 93 private individuals and 26 organisations. Respondents were primarily those with a direct interest in Scotland’s crab and lobster fisheries, with the majority of private individuals and organisations being either fishermen or fishing associations respectively.

Most of the management proposals were supported by a majority of respondents, and are being introduced as originally proposed. However, key changes to several of the proposals are detailed as follows:

- The minimum landing size of edible crab will not be increased to 150 mm in Shetland, as the SSMO stated in its response that it wished to retain a minimum landing size of 140 mm.

  The SSMO already has a number of measures in place to manage Shetland’s edible crab fishery using its Regulating Order powers, and has achieved Marine Stewardship Council (MSC) certification for the fishery.

- A majority of respondents from the east coast, and the Solway Firth on the west coast, were opposed to increasing the minimum landing size of lobster. However, a majority of respondents from the rest of the west coast supported the proposal.

  Taking account of the differing nature of the fishery around the Scottish coast, the possible economic impacts, and the views received during the consultation, the minimum landing size is being increased on the west coast from Cape Wrath to as far south as latitude 55°N.

- The maximum landing size of female lobster will not be decreased to 145 mm in Shetland or Orkney. The SSMO stated in its response that it wished to retain a maximum landing size of 155 mm, while respondents from Orkney were generally opposed to the proposal.
Shetland and Orkney already have in place a more restrictive landing control for their respective lobster fisheries, with a 90 mm minimum landing size.

- A maximum landing size for male lobster and a prohibition on the landing of ‘crippled’ lobster are not being introduced. These proposals were opposed by a majority of respondents, due to the possible economic impact and enforcement challenges.

A full analysis of responses to each of the management proposals is available in the consultation outcome report: [www.gov.scot/Publications/2017/01/1817](http://www.gov.scot/Publications/2017/01/1817).

- **Business**
  Discussions took place with businesses involved in the crab and lobster fisheries – including representatives of static gear and processing interests – throughout the consultation period.

Marine Scotland has regularly updated fishing industry representatives through the IFMAC stakeholder group, and the network of RIFGs.

**Options**

- **Option 1 - Do nothing**
  This would maintain the current management arrangements for Scotland’s crab and lobster fisheries.

- **Option 2 - Introduce new management measures**
  The following management measures will be brought into force:
  
  - The minimum landing size of edible crab will be increased to 150 mm carapace width (except the Shetland Islands)
  - The minimum landing size of velvet crab will be increased to 70 mm carapace width
  - A minimum sale size of 70 mm carapace width will be introduced for velvet crab
  - A minimum carriage size of 70 mm carapace width will be introduced for velvet crab
  - The landing of berried velvet crab will be prohibited
  - The minimum landing size of lobster will be increased to 90 mm carapace length on the west coast (except the Solway Firth). This involves an immediate increase to 88 mm, then to 90 mm one year thereafter.
  - The maximum landing size of female lobster will be decreased to 145 mm carapace length (except the Orkney Islands and Shetland Islands)

**Sectors and groups affected**
Scottish and other British fishing vessels with a shellfish entitlement that currently

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fish for and land edible crab, velvet crab or lobster in Scotland, as well as fish merchants and fish processors, will be those most directly affected by the introduction of new management arrangements.

Marine Scotland Compliance will also be directly affected, as they will be responsible for the enforcement of these arrangements.

**Costs and Benefits**

- **Option 1 – Do nothing**

  **Benefits**
  
  - Scottish and other British fishing vessels will be able to continue to land crab and lobster that comply with existing Scottish fisheries legislation into Scottish ports.

  **Costs**
  
  - Maintaining the current management arrangements would increase the risk of reduced spawning stock biomass. This in turn could lead to a reduction in the yield and economic returns from the crab and lobster fisheries.
  
  - There is increasing consumer interest in the provenance of produce. Retailers, such as supermarkets, are making a concerted effort to ensure that the fish they sell come from sustainable sources. Maintaining the current management arrangements could eventually result in the loss of access to markets.

- **Option 2 – Introduce new management measures**

  **Benefits**
  
  - Increasing minimum landing sizes of edible crab, velvet crab and lobster could increase the spawning stock biomass (the total weight of the fish in a stock that are capable of spawning), and potentially the yield, of these stocks.
  
  - Prohibiting the sale and carriage of undersized velvet crab will aid the enforcement of the accompanying minimum landing size provision.
  
  - Prohibiting the landing of berried velvet crab should help to improve the stock’s reproductive potential by providing additional protection to mature egg-bearing individuals.
  
  - Decreasing the maximum landing size of female lobster should help to improve the reproductive potential of the stock. Scientific studies of lobster egg production report that females measuring larger than 145 mm produce over three times as many eggs as those measuring 87 mm, and that the
eggs are of a higher quality.

Costs

Data provided by Marine Scotland Science on the percentages in landings (by weight) of animals caught between the current and new landing sizes\(^3\) have been used to estimate the potential impact\(^4\) of the new management measures on businesses.

- Increasing the minimum landing sizes of edible crab, velvet crab and lobster is expected to cause a short term reduction in landings of these species:
  - Increasing the minimum landing size of edible crab to 150 mm could result in a short term reduction in landings of between 787 to 1,423 tonnes (£1.1 million to £2 million).
  - Increasing the minimum landing size of velvet crab to 70 mm could result in a short term reduction in landings of between 131 to 305 tonnes (£331,000 to £774,000).
  - Increasing the minimum landing size of lobster to 90 mm on the west coast could result in a short term reduction in landings of between 8 to 23 tonnes (£100,500 to £277,300).

This is a short term reduction, as it is expected that the majority of surviving newly-undersized animals will grow to a harvestable size within one year of the minimum landing size increases coming into force.

Additionally, the minimum landing size for lobster is being increased on a staggered basis in order to mitigate any financial impact, with an immediate increase to 88 mm, then to 90 mm one year thereafter.

Provided that exploitation rates remain stable in the longer term, the recruitment potential (spawning stock biomass) of these species would also be expected on average to increase.

- Prohibiting the landing of berried velvet crab will remove egg-bearing females from the commercial fishery. This could result in a reduction in landings of between 2.5 to 24 tonnes (£6,500 to £59,700).
- Decreasing the maximum landing size of female lobster to 145 mm will remove females above this size from the commercial fishery. This could result in a reduction in landings of up to 5 tonnes (£62,700).

A full breakdown of the potential impact of the new management measures at a fishery district level is provided in Annex A.

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\(^3\) Based on market sampling data collected from 2012-16.

\(^4\) Based on landings data collected from 2016.
Scottish Firms Impact Test

Discussions with the fishing industry were an on-going part of the policy development and consultation process.

Prior to consultation, Marine Scotland established a short-life working group through IFMAC to discuss concerns that had been raised by members regarding the level of fishing effort in the creel sector. There was a general consensus within the group that new controls for the crab and lobster fisheries were necessary. The discussion by the group on increasing the landing sizes for edible crab, velvet crab and lobster helped to inform the development of the proposals in the consultation document.

Reservations were noted from some in the working group regarding one or more of the landing size proposals, either due to the nature of their local fishery or other factors. In order to ensure that these views were captured during consultation, a question was included with each management proposal for respondents to state whether there were any areas of the coast where it should not be introduced.

Following the close of the consultation in May 2016, Marine Scotland provided an opportunity for additional comments on the draft management recommendations that were developed based on the analysis of the consultation responses. These draft recommendations were announced at a meeting of the IFMAC stakeholder group in September 2016, and then issued to the Chairs of the RIFGs for discussion with their members. Comments from the RIFGs were fed back to Marine Scotland and informed the consideration of the final management measures.

Competition Assessment

The management measures are not expected to result in any negative impact on competition. The measures will apply to all Scottish and other British fishing boats that fish for and land edible crab, velvet crab or lobster in Scotland.

Test run of business forms

No new business forms will be introduced.

Legal Aid Impact Test

The management measures have been discussed with the Scottish Government Access to Justice Team, who have agreed that they should have no impact on the legal aid fund.

Enforcement, sanctions and monitoring

Marine Scotland Compliance is responsible for the monitoring and enforcement of marine and fishing laws. Fishery Officers have the power to perform inspections of fishing vessels at sea or in ports, fish markets and processing factories, in order to ensure compliance with legislation. Where a breach of fisheries regulations has been detected, it will be reported as appropriate to the prosecuting authorities. This can result in a fine of up to £50,000.

Implementation and delivery plan

The management measures will be introduced through new secondary legislation,

- **Post-implementation review**
  Marine Scotland will monitor the impact of the new management arrangements, and consider any practical or unforeseen consequences should they arise.

### Summary and recommendation
Marine Scotland recommends Option 2. Introducing new management measures for Scotland’s edible crab, velvet crab and lobster fisheries can help to reduce the fishing mortality and increase the long term average yield and recruitment of these fisheries. These are measures that can contribute positively to management of the stocks and economic returns from these fisheries.

### Summary costs and benefits table

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</tr>
<tr>
<td>- Scottish and other British fishing vessels will be able to continue to land crab and lobster that comply with existing Scottish fisheries legislation into Scottish ports.</td>
</tr>
<tr>
<td>- Would increase the risk of reduced spawning stock biomass. This in turn could lead to a reduction in yield and economic returns from the fisheries.</td>
</tr>
<tr>
<td>- Could result in eventual loss of access to potential markets, due to increasing consumer interest in the provenance of produce. Food retailers are making efforts to ensure that the fish they sell comes from sustainable sources.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Option 2 – Introduce new management measures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total benefit per annum:</strong></td>
</tr>
<tr>
<td>- economic, environmental, social</td>
</tr>
<tr>
<td><strong>Total cost per annum:</strong></td>
</tr>
<tr>
<td>- economic, environmental, social</td>
</tr>
<tr>
<td>- policy and administrative</td>
</tr>
<tr>
<td>- Increasing minimum landing sizes of edible crab, velvet crab and lobster could increase the spawning stock biomass, and potentially the yield, of these stocks.</td>
</tr>
<tr>
<td>- Prohibiting the landing of berried velvet crab should help improve the stock’s reproductive potential by protecting mature, egg-bearing individuals.</td>
</tr>
<tr>
<td>- Prohibiting the sale and carriage of</td>
</tr>
<tr>
<td>- Increasing the minimum landing sizes of edible crab, velvet crab and lobster is expected to cause a short term reduction in landings of these species.</td>
</tr>
<tr>
<td>- Prohibiting the landing of berried velvet crab will remove egg-bearing females from the commercial fishery.</td>
</tr>
<tr>
<td>- Decreasing the maximum landing size of female lobster will remove females above this size from the commercial</td>
</tr>
<tr>
<td>undersized velvet crab will aid the enforcement of the accompanying minimum landing size provision.</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>• Decreasing the maximum landing size of female lobster should help to improve the reproductive potential of the stock.</td>
</tr>
</tbody>
</table>

**Declaration and publication**

I have read the Business and Regulatory Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed:

Date:

Fergus Ewing  
Cabinet Secretary for the Rural Economy and Connectivity

**Scottish Government Contact point:**

Ross Cumming  
Marine Scotland  
Area 1B South  
Victoria Quay  
Edinburgh  
EH6 6QQ  
0131 244 6214  
ross.cumming@gov.scot
## Annex A – Breakdown of potential impact of new management measures at fishery district level

### Table 1 - Potential impact of increasing the minimum landing size of edible crab to 150 mm carapace width

<table>
<thead>
<tr>
<th>District</th>
<th>Low estimate</th>
<th>High estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Reduction</td>
<td>Value (£’000)</td>
</tr>
<tr>
<td></td>
<td>Tonnes</td>
<td></td>
</tr>
<tr>
<td>Aberdeen</td>
<td>16% 56</td>
<td>71</td>
</tr>
<tr>
<td>Anstruther</td>
<td>20% 26</td>
<td>32</td>
</tr>
<tr>
<td>Ayr</td>
<td>2% 0</td>
<td>1</td>
</tr>
<tr>
<td>Buckie</td>
<td>16% 11</td>
<td>13</td>
</tr>
<tr>
<td>Campbeltown</td>
<td>1% 5</td>
<td>7</td>
</tr>
<tr>
<td>Eyemouth</td>
<td>20% 93</td>
<td>118</td>
</tr>
<tr>
<td>Fraserburgh</td>
<td>15% 87</td>
<td>129</td>
</tr>
<tr>
<td>Kinlochbervie</td>
<td>2% 4</td>
<td>8</td>
</tr>
<tr>
<td>Lochinver</td>
<td>2% 4</td>
<td>7</td>
</tr>
<tr>
<td>Mallaig</td>
<td>1% 0</td>
<td>0</td>
</tr>
<tr>
<td>Oban</td>
<td>1% 4</td>
<td>5</td>
</tr>
<tr>
<td>Orkney</td>
<td>8% 266</td>
<td>372</td>
</tr>
<tr>
<td>Peterhead</td>
<td>16% 45</td>
<td>57</td>
</tr>
<tr>
<td>Portree</td>
<td>3% 15</td>
<td>19</td>
</tr>
<tr>
<td>Scrabster</td>
<td>5% 140</td>
<td>220</td>
</tr>
<tr>
<td>Shetland</td>
<td>N/A*</td>
<td>-</td>
</tr>
<tr>
<td>Stornoway</td>
<td>N/A†</td>
<td>-</td>
</tr>
<tr>
<td>Ullapool</td>
<td>3% 31</td>
<td>48</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>6% 787</td>
<td>1,106</td>
</tr>
</tbody>
</table>

*Minimum landing size will remain at 140 mm.
†150 mm minimum landing size already in force.

### Table 2 - Potential impact of increasing the minimum landing size of velvet crab to 70 mm carapace width

<table>
<thead>
<tr>
<th>District</th>
<th>Low estimate</th>
<th>High estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Reduction</td>
<td>Value (£’000)</td>
</tr>
<tr>
<td></td>
<td>Tonnes</td>
<td></td>
</tr>
<tr>
<td>Aberdeen</td>
<td>21% 18</td>
<td>45</td>
</tr>
<tr>
<td>Anstruther</td>
<td>14% 5</td>
<td>13</td>
</tr>
<tr>
<td>Ayr</td>
<td>27% 0</td>
<td>1</td>
</tr>
<tr>
<td>Buckie</td>
<td>23% 5</td>
<td>10</td>
</tr>
<tr>
<td>Campbeltown</td>
<td>16% 35</td>
<td>84</td>
</tr>
<tr>
<td>Eyemouth</td>
<td>13% 5</td>
<td>9</td>
</tr>
<tr>
<td>Fraserburgh</td>
<td>23% 11</td>
<td>18</td>
</tr>
<tr>
<td>Kinlochbervie</td>
<td>N/A*</td>
<td>-</td>
</tr>
<tr>
<td>Lochinver</td>
<td>N/A*</td>
<td>-</td>
</tr>
<tr>
<td>Mallaig</td>
<td>3% 1</td>
<td>2</td>
</tr>
<tr>
<td>Oban</td>
<td>15% 30</td>
<td>82</td>
</tr>
<tr>
<td>Orkney</td>
<td>N/A†</td>
<td>-</td>
</tr>
<tr>
<td>Peterhead</td>
<td>23% 5</td>
<td>11</td>
</tr>
<tr>
<td>Portree</td>
<td>7% 4</td>
<td>11</td>
</tr>
<tr>
<td>Scrabster</td>
<td>14% 6</td>
<td>31</td>
</tr>
<tr>
<td>Shetland</td>
<td>N/A†</td>
<td>-</td>
</tr>
<tr>
<td>Stornoway</td>
<td>N/A†</td>
<td>-</td>
</tr>
<tr>
<td>Ullapool</td>
<td>20% 6</td>
<td>15</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>8% 131</td>
<td>331</td>
</tr>
</tbody>
</table>

*Not assessed.
†70 mm minimum landing size already in force.
### Table 3 - Potential impact of increasing the minimum landing size of lobster to 90 mm carapace length

<table>
<thead>
<tr>
<th>District</th>
<th>Low estimate Reduction</th>
<th>Reduction Tonnes</th>
<th>Value (£'000)</th>
<th>High estimate Reduction</th>
<th>Reduction Tonnes</th>
<th>Value (£'000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aberdeen</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Anstruther</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Ayr</td>
<td>1.8%</td>
<td>1.5</td>
<td>16.6</td>
<td>5%</td>
<td>4.2</td>
<td>47.4</td>
</tr>
<tr>
<td>Buckie</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Campbeltown</td>
<td>4.6%</td>
<td>2.0</td>
<td>23.9</td>
<td>14%</td>
<td>6.2</td>
<td>73.6</td>
</tr>
<tr>
<td>Eyemouth</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Fraserburgh</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Kintyre</td>
<td>N/A†</td>
<td>-</td>
<td>-</td>
<td>N/A†</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mallaig</td>
<td>N/A†</td>
<td>-</td>
<td>-</td>
<td>N/A†</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Oban</td>
<td>4.0%</td>
<td>2.5</td>
<td>30.2</td>
<td>13%</td>
<td>8.2</td>
<td>98.2</td>
</tr>
<tr>
<td>Orkney</td>
<td>N/A‡</td>
<td>-</td>
<td>-</td>
<td>N/A‡</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Peterhead</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Portree</td>
<td>2.8%</td>
<td>0.4</td>
<td>5.0</td>
<td>9%</td>
<td>1.2</td>
<td>16.6</td>
</tr>
<tr>
<td>Scrabster</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Shetland</td>
<td>N/A†</td>
<td>-</td>
<td>-</td>
<td>N/A†</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Sornoway</td>
<td>N/A†</td>
<td>-</td>
<td>-</td>
<td>N/A†</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Ullapool</td>
<td>6.6%</td>
<td>2.0</td>
<td>24.7</td>
<td>11%</td>
<td>3.4</td>
<td>41.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>0.7%</strong></td>
<td><strong>8.4</strong></td>
<td><strong>100.5</strong></td>
<td><strong>2%</strong></td>
<td><strong>23.2</strong></td>
<td><strong>277.3</strong></td>
</tr>
</tbody>
</table>

*Minimum landing size will remain at 87 mm.
†Not assessed.
‡90 mm minimum landing size already in force.

### Table 4 - Potential impact of prohibiting the landing of berried velvet crab

<table>
<thead>
<tr>
<th>District</th>
<th>Low estimate Reduction</th>
<th>Reduction Tonnes</th>
<th>Value (£'000)</th>
<th>High estimate Reduction</th>
<th>Reduction Tonnes</th>
<th>Value (£'000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aberdeen</td>
<td>0.30%</td>
<td>0.25</td>
<td>0.64</td>
<td>2.5%</td>
<td>2.1</td>
<td>5.4</td>
</tr>
<tr>
<td>Anstruther</td>
<td>0.18%</td>
<td>0.07</td>
<td>0.17</td>
<td>2.4%</td>
<td>0.9</td>
<td>2.2</td>
</tr>
<tr>
<td>Ayr</td>
<td>0.66%</td>
<td>0.01</td>
<td>0.02</td>
<td>8.7%</td>
<td>0.2</td>
<td>0.3</td>
</tr>
<tr>
<td>Buckie</td>
<td>0.33%</td>
<td>0.07</td>
<td>0.14</td>
<td>2.6%</td>
<td>0.5</td>
<td>1.1</td>
</tr>
<tr>
<td>Campbeltown</td>
<td>0.28%</td>
<td>0.61</td>
<td>1.46</td>
<td>3.8%</td>
<td>8.1</td>
<td>19.4</td>
</tr>
<tr>
<td>Eyemouth</td>
<td>0.17%</td>
<td>0.06</td>
<td>0.11</td>
<td>2.3%</td>
<td>0.8</td>
<td>1.6</td>
</tr>
<tr>
<td>Fraserburgh</td>
<td>0.33%</td>
<td>0.16</td>
<td>0.26</td>
<td>2.6%</td>
<td>1.2</td>
<td>2.0</td>
</tr>
<tr>
<td>Kintyre</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Lochinver</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mallaig</td>
<td>0.04%</td>
<td>0.01</td>
<td>0.03</td>
<td>0.5%</td>
<td>0.2</td>
<td>0.4</td>
</tr>
<tr>
<td>Oban</td>
<td>0.23%</td>
<td>0.47</td>
<td>1.27</td>
<td>3.1%</td>
<td>6.3</td>
<td>17.2</td>
</tr>
<tr>
<td>Orkney</td>
<td>N/A†</td>
<td>-</td>
<td>-</td>
<td>N/A†</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Peterhead</td>
<td>0.33%</td>
<td>0.07</td>
<td>0.16</td>
<td>2.6%</td>
<td>0.5</td>
<td>1.2</td>
</tr>
<tr>
<td>Portree</td>
<td>0.13%</td>
<td>0.07</td>
<td>0.21</td>
<td>1.1%</td>
<td>0.6</td>
<td>1.8</td>
</tr>
<tr>
<td>Scrabster</td>
<td>0.21%</td>
<td>0.09</td>
<td>0.46</td>
<td>1.1%</td>
<td>0.5</td>
<td>2.5</td>
</tr>
<tr>
<td>Shetland</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Sornoway</td>
<td>0.19%</td>
<td>0.49</td>
<td>1.36</td>
<td>0.4%</td>
<td>1.1</td>
<td>2.9</td>
</tr>
<tr>
<td>Ullapool</td>
<td>0.29%</td>
<td>0.09</td>
<td>0.21</td>
<td>2.2%</td>
<td>0.7</td>
<td>1.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>0.16%</strong></td>
<td><strong>2.52</strong></td>
<td><strong>6.51</strong></td>
<td><strong>1.5%</strong></td>
<td><strong>23.8</strong></td>
<td><strong>59.7</strong></td>
</tr>
</tbody>
</table>

*Not assessed.
†Prohibition already in force.
Table 5 - Potential impact of decreasing the maximum landing size of female lobster to 145 mm carapace length

<table>
<thead>
<tr>
<th>District</th>
<th>Low estimate</th>
<th></th>
<th>High estimate</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Reduction</td>
<td>Tonnes</td>
<td>Value (£'000)</td>
<td>Reduction</td>
</tr>
<tr>
<td>Aberdeen</td>
<td>0%</td>
<td>0</td>
<td>0</td>
<td>0.7%</td>
</tr>
<tr>
<td>Anstruther</td>
<td>0%</td>
<td>0</td>
<td>0</td>
<td>0.9%</td>
</tr>
<tr>
<td>Ayr</td>
<td>0%</td>
<td>0</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Buckie</td>
<td>0%</td>
<td>0</td>
<td>0</td>
<td>0.6%</td>
</tr>
<tr>
<td>Campbeltown</td>
<td>0%</td>
<td>0</td>
<td>0</td>
<td>0.1%</td>
</tr>
<tr>
<td>Eyemouth</td>
<td>0%</td>
<td>0</td>
<td>0</td>
<td>0.9%</td>
</tr>
<tr>
<td>Fraserburgh</td>
<td>0%</td>
<td>0</td>
<td>0</td>
<td>0.6%</td>
</tr>
<tr>
<td>Kinlochbervie</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
<td>N/A*</td>
</tr>
<tr>
<td>Lochinver</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
<td>N/A*</td>
</tr>
<tr>
<td>Mallaig</td>
<td>N/A*</td>
<td>-</td>
<td>-</td>
<td>N/A*</td>
</tr>
<tr>
<td>Oban</td>
<td>0%</td>
<td>0</td>
<td>0</td>
<td>0.1%</td>
</tr>
<tr>
<td>Orkney</td>
<td>N/A†</td>
<td>-</td>
<td>-</td>
<td>N/A†</td>
</tr>
<tr>
<td>Peterhead</td>
<td>0%</td>
<td>0</td>
<td>0</td>
<td>0.6%</td>
</tr>
<tr>
<td>Portree</td>
<td>0%</td>
<td>0</td>
<td>0</td>
<td>0.1%</td>
</tr>
<tr>
<td>Scrabster</td>
<td>0%</td>
<td>0</td>
<td>0</td>
<td>0.9%</td>
</tr>
<tr>
<td>Shetland</td>
<td>N/A†</td>
<td>-</td>
<td>-</td>
<td>N/A†</td>
</tr>
<tr>
<td>Stornoway</td>
<td>N/A‡</td>
<td>-</td>
<td>-</td>
<td>N/A‡</td>
</tr>
<tr>
<td>Ullapool</td>
<td>0%</td>
<td>0</td>
<td>0</td>
<td>0.4%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>0%</td>
<td>0</td>
<td>0</td>
<td>0.5%</td>
</tr>
</tbody>
</table>

*Not assessed.
†Maximum landing size will remain at 155 mm.
‡145 mm maximum landing size already in force.
Dear Edward,

Environmental Implications of Aquaculture

As you are aware, ahead of the Rural Economy and Connectivity (REC) Committee’s work on the aquaculture industry, the Environment, Climate Change and Land Reform (ECCLR) Committee will consider the environmental implications of aquaculture and recently commissioned research by the Scottish Association for Marine Science (SAMS).

Given the mutual interest of both committees in this subject, at its meeting yesterday the ECCLR Committee agreed to invite a reporter from the REC Committee to attend its meetings when this item is considered. The proposed dates are:

- 23 January 2018 at 12:00 (approach to call for evidence)
- 30 January 2018 at 09:30 (evidence session with stakeholders)
- 6 February 2018 at 09:30 (evidence session with stakeholders)
- 27 February 2018 at 10:30 (consider recommendations to the REC Committee)

Should the REC Committee wish to nominate a reporter to these meetings, the Committee will ensure that they are:

- provided with copies of any private papers in relation to this item;
- invited to the Committee’s pre-briefs (during which it considers the smooth operation of the meeting); and
- Invited to participate in private discussions to consider evidence heard.

The ECCLR Committee would also welcome the opportunity to send a reporter to the REC Committee meetings on the basis outlined above. Should this be approved by the REC Committee, the ECCLR Committee has provisionally nominated Donald Cameron MSP as its reporter.
I hope this proposal is agreeable to you and I look forward to hearing from you.

Yours sincerely,

Graeme Dey MSP
Convener
Environment, Climate Change and Land Reform Committee