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Rural Affairs and Islands Committee

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Rural Affairs and Islands Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands, with the exception of matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland, and Royal Botanic Garden.



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Executive summary

1. This report details the Rural Affairs and Islands Committee's consideration of the Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2026 (SSI 2026/10).
2. The Committee agreed, by division, to recommend to the Parliament that the instrument be annulled.

The Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2026

3. The order was laid on 16 January 2026 by the Cabinet Secretary for Rural Affairs, Land Reform and Islands with a commencement date of 14 February 2026.
4. The policy note sets out the background to the instrument—
 - ” Since 2002, seasonal restrictions on certain fishing activities have been applied annually in a designated area of the Firth of Clyde between 14 February and 30 April to protect spawning cod. From 2022, this included removal of historic exemptions for creel vessels, Nephrops trawlers and scallop dredgers, in an effort to improve the likelihood of cod stock recovery.

Despite ongoing management efforts, cod in the Clyde have shown limited signs of improvement and this stock is thought to be at a level that could undermine recovery. Our scientific advisors consider that there is potential for stock recovery but it requires a long-term commitment to improving the evidence base and implementing adaptive management that responds to emerging evidence, rather than relying solely on the current closure.
5. The policy note goes on to state that the order maintains the same protections afforded by the previous closure, prohibiting all fishing activity within two areas of the Firth of Clyde from 14 February until 30 April, for 2026, 2027 and 2028.
6. The order also prohibits fishing activity for all vessels without a valid track record during 2026, 2027 and 2028 in a further area. The policy note states this area would additionally be subject to a targeted scientific programme (TSP), authorised under section 9 of the Sea Fish (Conservation) Act 1967. The TSP would “pave the way for future management of this stock where the impact of all fishing sectors on cod mortality, as well as the distribution and dynamics of spawning and juvenile cod are better understood and used to inform adaptive management”.
7. The [Scottish Government consulted on the future of the Clyde seasonal closure beyond 2026 in August and September 2025](#). The [Scottish Government published its analysis of the consultation on the Clyde seasonal closure 2026 to 2028 on 16 January 2026](#).
8. The Committee has previously considered orders relating to the seasonal closures in 2022/23 and 2024/25.
9. As a result of concerns raised in relation to the order for the 2022/23 closure, the Scottish Government withdrew and amended the order twice before laying the Sea Fish (Prohibition on Fishing) (Firth of Clyde) (No. 2) Order 2022. As a result of the concerns raised by stakeholders about the proposals, the [Committee held a short call for views on the 2022 order](#) and then [took evidence on the 2022 order from stakeholders on 2 March 2022 and from the Cabinet Secretary, and considered a motion to annul the order, on 9 March 2022](#).
10. In advance of the Committee's consideration of the order for the 2024/25 closure, the Minister for Energy and the Environment provided additional information before

the order was laid. The Minister also responded to the Committee's request for information about the scientific basis underpinning the proposals. The [Committee took evidence on the 2024 order from the Cabinet Secretary, and considered a motion to annul the order, on 28 February 2024](#).

11. Issues regarding the scientific evidence base informing the Scottish Government's approach to previous closures and the Committee's scrutiny are covered in two SPICe blogs published in September 2024—
 - [The Clyde cod controversy: a case study of evidence-based fisheries management – part 1](#)
 - [The Clyde cod controversy: a case study of evidence-based fisheries management – part 2](#)

Delegated Powers and Law Reform Committee consideration

12. The [DPLR Committee considered the instrument on 27 January 2026 and made no recommendations in relation to the instrument](#).

Rural Affairs and Islands Committee consideration

13. The Committee took evidence from a range of stakeholders at a round table on 28 January 2026.
14. On 4 February 2026, in response to a request from the Committee, the Cabinet Secretary provided further information on the order.
15. The Committee's adviser on fisheries policy, Paul Fernandes, Professor of Fisheries Science and Technology at Heriot Watt University, provided a technical and policy commentary on the Cabinet Secretary's response on 5 February 2026.
16. The Committee has also been sent correspondence and briefings from a number of stakeholder organisations in relation to the 2026 order.
17. [Further information about the Committee's consideration of the order, and links to all correspondence and briefings, is available on the Committee's website](#).

Scientific evidence and basis for seasonal closure

18. The Committee's previous scrutiny of seasonal closure orders noted the Scottish Government did not acknowledge the scientific evidence that the main source of mortality to Clyde cod is discarding in the Nephrops fleet and that cod recovery in the Clyde is unlikely to occur unless that source of mortality is reduced. This was based on research undertaken by the University of Strathclyde in collaboration with Marine Directorate scientific staff.
19. The Scottish Government has, however, since acknowledged the credibility of the University of Strathclyde research. Its 2026 consultation analysis report states that “we consider the Strathclyde work to be the most advanced and robust

methodology that is currently available for demersal stocks in the Clyde, including cod” and “we have committed to working with relevant academics to help fill the current data gaps and improve the model”. The TSP, which would run alongside the seasonal closures, aimed to address these identified data gaps.

20. In advance of the Committee's round table on 28 January 2026, [scientists from the University of Strathclyde provided a briefing for the Committee setting out the key outputs from the Clyde cod stock assessment work](#) it had carried out.
21. During the Committee's round table, there was further discussion and debate between University of Strathclyde scientists, NGOs and fishing industry stakeholders about this research.
22. Dr Robin Cook and Professor Michael Heath from the University of Strathclyde made the following key points—
 - spawning stock biomass has collapsed, with a slight increase in recent years likely due to the absence of directed whitefish fishing, but bycatch mortality remains too high
 - cod productivity rose before the closure and did not increase further after it, suggesting spawning area closure is not affecting productivity
 - juveniles dominate catches; mortality is incurred before fish reach spawning age, undermining the logic of a spawning closure
 - getting more data will improve the precision of the Clyde stock assessment, but it will not change the general result.
23. Dr Cook spoke to the “principal message” from the assessment—
 - ” The cod stock is in very poor shape and the analysis suggests that, if we want it to recover, we must reduce the residual fish mortality that is due to the remaining fishing activity. That mortality is largely caused by the bycatch of cod as a result of the fishing that is still taking place. If the objective is to recover the cod stock, we must reduce the bycatch somehow.
24. Dr Cook added that “closed areas generally do not work very well, because they displace vessels elsewhere and the mortality that there would have been in the spawning area is simply experienced elsewhere”.
25. Industry representatives, however, questioned the data coverage and limitations of the research and made the following points—
 - the stock assessment research used surveys, landings and observer data to 2019; post 2020 observer effort is sparse, weakening current precision
 - discard rates were disputed and it was asserted there have been significant gear selectivity improvements, with the nephrops fishery “almost a clean fishery”; scientists countered that what matters is the absolute number of cod being removed from the sea—i.e. the proportion of the total stock being caught rather than the share of cod within the bycatch of prawn trawlers. This becomes critical when the overall stock is very small

- disagreement on climate and prey: some fishers cited warming, predators (spurdog, seals, skate) and reduced plankton signals; scientists noted Clyde refugia, high productivity indicators, and no clear impact of temperature on Clyde cod productivity (unlike the North Sea)
 - different views on whether there is a distinct Clyde cod stock; industry representatives argued there isn't whilst scientists referenced tagging and genetics indicate an isolated population, thus strengthening a biodiversity conservation case.
26. Open Seas raised concerns about whether the Scottish Government has assessed the seasonal closures against the relevant legal and policy obligations such as obligations under the Fisheries Act 2020 and policies under the National Marine Plan.
27. In her letter to the Committee, ahead of giving evidence on the order, the Cabinet Secretary told members—
- ” It is correct that there is no direct evidence from the Clyde demonstrating that fishing activity disrupts cod spawning. It's also true that the Strathclyde model suggests the stock maintained relatively high productivity, at least up until 2019, implying that spawning may not be the main problem limiting stock recovery. Finally, the closure was based on a hypothesis about spawning areas [...] and recent observations of actively spawning cod out with the closure have cast some doubt on this hypothesis.
- The Scottish Government does not disagree with these points. However, there are several factors to consider. While there are no observations from the Clyde to show that fishing disturbs spawning, there is also no evidence that it does not. We have previously set out the evidence on disturbance, and to assume that cod can carry on spawning in the presence of fishing activity would be presumptive. Spawning closures are a well-established management tool and in place in other areas.
28. In his briefing for the Committee, Professor Fernandes states that the Scottish Government's position of acknowledging that spawning limitation is unlikely to be the primary constraint on cod recovery but, at the same time, laying an SSI framed primarily around protecting spawning cod “represents a fundamental misjudgement between the diagnosed cause of stock depletion and the management response”. Noting that the justification for the closure relies heavily on precaution, Professor Fernandes states that—
- ” In this case, precaution is invoked to sustain an existing measure whose effectiveness has not been demonstrated, rather than to target the principal, evidence-backed source of mortality. This reverses the normal logic of evidence-based policy making.
29. The Cabinet Secretary told the Committee that maintaining the closure would provide the minimum protection to spawning cod and was a “precautionary and proportionate approach” at the same time as enabling some of the “significant data gaps” on cod recovery and mortality to be addressed through the TSP.
30. The Cabinet Secretary added that—

” We do not have direct evidence that shows that fishing activity is disturbing spawning cod. However, we also do not have evidence that shows that it does not disturb spawning activity.

31. When asked for further justification for the order, given the Strathclyde assessment, Dr Coby Needle, chief fisheries adviser for Scotland, added that, “in general, if you have a stock that is in a poor state and you have a management measure that is trying to protect it during at least part of the year, it does not seem precautionary—or appropriate, necessarily—to remove that measure without knowing much more about the situation”.

Targeted scientific programme

32. As noted earlier in this report, the seasonal closure would run alongside the TSP. Whilst witnesses attending the Committee's round table broadly supported the principle of the TSP, significant concerns were raised around the lack of detail relating to its purpose, resourcing and engagement with fishers and academics.
33. Sustainable Inshore Fisheries Trust expressed concern that the TSP would maintain the status quo for a further three years. Dr Cook said he was a “bit cynical” about the TSP and told members that “getting more data will improve the precision of [the Strathclyde] assessment, but it will not change the general result”.
34. The Cabinet Secretary's letter states the TSP is “designed to strengthen the evidence base for future management” and will include gathering additional data, including from remote electronic monitoring on creel vessels, and observers on vessels. A working group of fishers, Marine Directorate staff and external scientists will “monitor progress and help shape and adapt research on the ground”.
35. In his briefing for the Committee, Professor Fernandes said that the statements that the TSP will address the identified data gaps “are not accompanied by clear commitments on scale, coverage or implementation”. Professor Fernandes goes on to state that—

” The TSP is presented as justification for extending the closure, yet the programme's stated priorities do not include a direct evaluation of the effectiveness of the closure itself. This creates a circular logic in which a measure is retained to facilitate research, while the research does not explicitly test whether the measure is warranted.

More broadly, repeated references to future consultation and forthcoming work risk substituting process for action, particularly where the best available evidence already points clearly to the main source of mortality.

36. When she gave evidence, the Cabinet Secretary explained the TSP would “strengthen the evidence base [...] and] will draw on all available data, monitor bycatch and discards across all sectors and carry out additional surveys to support future stock assessments”. She also gave a commitment for an “annual progress report, thereby ensuring that there is transparency and accountability throughout the three-year period”.

37. Dr Needle provided further information about the TSP—

” The spawning closure was based on a hypothesis about spawning behaviour and the benthos that cod need in order to be able to spawn, but it is a fairly blunt instrument. As we get more information in the future, through the TSP, both from our survey information and from bycatch data that we can get from across the fleet sectors, the intention is that we will get a clearer idea of where spawning is happening. Closures can then be more precisely targeted to those spawning areas, to protect that spawning activity, instead of our taking the broad-brush approach that we are using just now.

That is for spawners, but there is not much point in protecting spawners if we do not then also try to protect the juveniles. At the same time, therefore, the TSP is going to look at where the juvenile areas are in the Clyde, so that we can also try to protect them.

38. In relation to the proposed order providing for three years of seasonal closures, rather than two as in previous orders, Dr Needle explained that three years' worth of data is the minimum requirement to inform decision making—

” The point about running the targeted science programme for three years is that we will have a set of observations from the first year, and we will see those observations again in the second. We will then start to get a picture of the true situation underlying it all. By the third year, our uncertainty in our estimates will start to reduce significantly.

39. The Cabinet Secretary confirmed the TSP is provided for under other legislation and is not part of the terms of the order.

Exemptions – impact on spawning cod and small vessel fishing

40. As set out earlier in this report, until 2002 the seasonal closures included exemptions for creel vessels, Nephrops trawlers and scallop dredgers. The Scottish Government justified removal of this exemption on the grounds that evidence suggested that any activity close to the seabed can disturb spawning cod.

41. The creel sector was particularly critical of the removal of its exemption on the basis that creel fishing is considered to be a low-impact fishing method. The Scottish Creel Fishermen's Federation wrote to the Committee a number of times setting out its position.

42. Witnesses attending the Committee's round table evidence session agreed that disturbance from creel and other small, mobile vessels would not impact on cod spawning and that the exemption should be reintroduced. Professor Heath told the Committee that “not one shred of evidence has ever been generated in the Clyde that disturbance is sufficient to interrupt or disturb the cod-not one shred. [...] my opinion is that you can quite safely [remove the exemption] and there will be no adverse consequences”.

43. Witnesses raised the following key concerns—

- the proposed measures protect spawning but misses earlier mortality,

displaces effort and benefits relative to costs are unclear

- there is limited Clyde-specific evidence that creel vessels impede spawning; scientists stated exemptions could be safely reinstated
 - creel bans lack evidential basis. Witnesses questioned whether reinstating the exemptions for creel vessels would have any impact on cod stocks.
44. Following the round table, the Committee asked the Cabinet Secretary why the prohibition has been extended to these fishers, given the best available evidence suggests nephrops bycatch is the main barrier to cod recovery. The Cabinet Secretary responded that the Strathclyde assessment has “significant shortcomings” as it lacks key data pre-2002 and post-2019 and does not include “observations on whether creel vessels have a bycatch of cod, the abundance and length distributions of these fish and their fate once removed from the creels”.
45. In his briefing for the Committee, Professor Fernandes highlighted an “internal inconsistency on bycatch priorities” between the Strathclyde assessment that Nephrops trawl bycatch as the dominant source of fishing mortality and the management response to improve the understanding of creel bycatch, “which is acknowledged to be unquantified and, at present, largely anecdotal”. Professor Fernandes states—
- ” This creates a material inconsistency: robust evidence identifying a primary pressure is effectively deprioritised, while uncertainty around a secondary pressure is used to delay targeted management action. Such an approach risks undermining both proportionality and the use of credible scientific evidence.
46. When asked for the evidence supporting the closure extending to creel and other small, mobile vessels, the Cabinet Secretary said that scientists at the marine directorate have seen cod and other whitefish in creel catches and that observation work has highlighted that that issue needs to be looked at.
47. Dr Needle acknowledged that he didn’t know if there was an issue with cod bycatch in creels in the Clyde but said that, from observing creels in other parts of Scotland, “a reasonable amount of [usually small] cod tends to be caught in creels”. Dr Needle also stated that “high fishing mortality is due to nephrops trawlers is a function of the assessment model using bycatch information from the nephrops trawlers only”.
48. Dr Needle took a different view to the impact of disturbance from small vessels from the majority view at the round table, telling the Committee that—
- ” Disturbance was used initially as a driver for the spawning closure in the context of a lack of evidence one way or the other at that time. That is still the case, in a sense, as there is no evidence that disturbance is affecting spawning. Then again, there is no evidence that it is not. We cannot really tell either way—it is a difficult one.
49. The Cabinet Secretary later added that cod bycatch in creels “might not be a significant driver, but we need to be able to categorically rule it out if that is the case”.

Exemptions – socio-economic impacts

50. The socio-economic impacts of the removal of the exemption was also considered, with strong concerns raised about the disproportionate impact on nephrops, crab and lobster vessels and their communities.
51. The [business and regulatory impact assessment](#) (BRIA) estimates the total cost to the fishing sector to be between £182 thousand and £969 thousand per year due to the continuation of the removal of exemptions. This varies by fishing method—
- ” Nephrops trawl—
- estimated average loss per vessel varies from between £4 to £25 thousand per year
 - reduction is between 1 and 10 per cent of Nephrops trawlers’ total landings on average, and between 7 and 49 per cent of the average trawler vessel’s annual profits.
- Creel vessels—
- estimated average loss per vessel varies between £4 and £6 thousand per year
 - reduction is between 5 and 7 per cent of creel vessels’ total landings, and between 19 and 26 per cent of the average creel vessels’ annual profits.
52. The BRIA also estimates an average impact per year due to reduction of output in the onshore economy (supply chain, processing, vessel services) of between £164 and £872 thousand per year.
53. Key points raised by witnesses during the Committee's round table included—
- reported loss of income/viability during closure periods, displacement conflicts, fuel costs, and reduced safe grounds due to MPAs, areas closed for defence, fish farms
 - Lack of an islands community impact assessment despite facing the same issues that island communities face (depopulation, decline in fishing jobs)
 - counter points from conservation groups stressed that healthy, diverse fish populations and habitat complexity underpin long term community and fleet resilience (e.g., benefits observed in no take zones/MPAs for certain species and low impact gears).
54. Some witnesses also provided testimony about the impact of business closures, community decline and strain on their mental health. Sean McIlwraith, a fourth-generation lobster and crab fisherman from Ballantrae, spoke to the Committee about the personal effects of the seasonal closure—

- ” The closure of the cod box for the fifth year running, combined with the pressure of the interim crab and lobster measures, has meant reduced safe areas to fish in and a reduction of up to 69 per cent of our total catch return at times. Taken together, those measures are making viability for a small community-based boat very, very difficult.

This is not just an economic issue—it has a serious impact on my mental health. Watching your livelihood disappear because of decisions that are made away from the harbour is deeply distressing. People in power may see this as a policy; for us, it is the slow killing of a profession, a community and a way of life that has existed for generations.

We want sustainable seas—we depend on them—but sustainability must include the people who have fished responsibly for decades. Right now, these decisions are pushing local fishermen out, not protecting the Clyde.

55. Sean McIlwraith went on to explain the practical impact of the seasonal closure on his business needing to find alternative fishing areas—

- ” Now, we are having to move our static gear and our scallop boats outside the area, up towards Girvan, which is causing conflict with other creelers and scallop boats, because we are all pushed into one area. [...] We have to move all our creels and wait for good weather to dae that—to load wir boat up—because me and my crew can only take 40 creels comfortably, to be on the safe side. Aye, it is stressful.

56. The Cabinet Secretary acknowledged these impacts when she gave evidence—

- ” I absolutely recognise the impact that the closure has had on some businesses and fishermen. It was really difficult to hear some of the evidence that the committee has taken in previous weeks about the impact on some fishermen, but that is why the work that we are developing in partnership with them is so important.

57. The Cabinet Secretary added that, “where possible, we want to try to minimise any economic impact of the decisions, but that is not always possible, because we need to make sure that we are meeting our legal obligations”.

Decision

58. Following the evidence session with the Cabinet Secretary, Tim Eagle moved motion S6M-20686—

- ” That the Rural Affairs and Islands Committee recommends that the Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2026 (SSI 2026/10) be annulled.

59. The motion was agreed to by division (For 5, Against 4, Abstentions 0).

60. Accordingly, the Committee recommends that the Sea Fish (Prohibition on

Fishing) (Firth of Clyde) Order 2026 (SSI 2026/10) be annulled.

