

Rural Affairs and Islands Committee  
Wednesday 4 March 2026  
9th Meeting, 2026 (Session 6)

## Note by the Clerk on the Sea Fish (Prohibition on Fishing) (Firth of Clyde) Revocation Order 2026 (SSI 2026/95)

### Overview

1. At this meeting, the Committee will consider the following Scottish statutory instrument (SSI), which is subject to the negative procedure<sup>1</sup>. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

**Title of instrument:** [Sea Fish \(Prohibition on Fishing\) \(Firth of Clyde\) Revocation Order 2026](#) (SSI 2026/95)

**Laid under:** Sections 5(1)(a), 5(2) and 20(1) of the [Sea Fish \(Conservation\) Act 1967](#)

**Laid on:** 17 February 2026

**Procedure:** Negative

**Deadline for committee consideration:** 6 April 2026 (Advisory deadline for any committee report to be published)

**Deadline for Chamber consideration:** 16 May 2026 (Statutory 40-day deadline for any decision whether to annul the instrument)

**Commencement:** 18 February 2026

### Purpose of the instrument

3. The instrument revokes the [Sea Fish \(Prohibition on Fishing\) \(Firth of Clyde\) Order 2026 \(SSI 2026/10\)](#) which came into effect on 14 February 2026.
4. The Committee considered the Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2026 (SSI 2026/10) at its meetings on 28 January and 11 February 2026 and, at its meeting on 11 February 2026, agreed a motion to annul the instrument. [Further information about the Committee's consideration of the Sea Fish \(Prohibition on Fishing\) \(Firth of Clyde\) Order 2026 \(SSI 2026/10\) can be found on the Committee's webpages.](#)

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<sup>1</sup> [Further information about secondary legislation and the negative procedure is available on the Parliament's website](#)

5. The Scottish Government subsequently indicated it would revoke the Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2026 (SSI 2026/10)–

“In light of the Committee’s recommendation [to annul the instrument], Scottish Ministers have decided to revoke the Order based on a clear and reasoned assessment of the parliamentary context and the expectations surrounding the instrument. Ministers are currently considering alternative options to protect and restore cod stocks in the Clyde in light of scientific advice and in recognition of Ministers’ legal obligations.”

6. The policy note accompanying the instrument is included in Annexe A.

## **Delegated Powers and Law Reform Committee consideration**

7. The [DPLR Committee considered the instrument on 24 February 2026](#) and drew this instrument to the attention of the Parliament under reporting ground (j) for a failure to lay the instrument in accordance with the laying requirements.

## **Explanation to the Presiding Officer**

8. As the instrument was laid less than 28 days before coming into force, the Scottish Government is required to provide an explanation. This is set out in Annexe B.

## **Committee consideration**

9. So far, no motion recommending annulment has been lodged.
10. Members are invited to consider the instrument and decide whether there are any points they wish to make.

## **Clerks to the Committee February 2026**

## **Policy note for the Sea Fish (Prohibition on Fishing) (Firth of Clyde) Revocation Order 2026**

### **SSI 2026/95**

The above instrument was made by the Scottish Ministers in exercise of the powers conferred by sections 5(1)(a), 5(2) and 20(1) of the Sea Fish (Conservation) Act 1967 and all other powers enabling them to do so.

### **Summary box**

This instrument revokes The Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2026.

### **Policy objectives**

The Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2026 was made and subsequently laid in the Scottish Parliament to support the recovery of the cod stock in the Firth of Clyde while maintaining the appropriate balance of our environmental and socioeconomic obligations under the Fisheries Act.

However, on 11 February 2026, the Rural Affairs and Islands Committee agreed to recommend to the Scottish Parliament that the Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2026 is annulled (<https://www.parliament.scot/chamber-andcommittees/committees/current-and-previous-committees/session-6-rural-affairs-and-islandscommittee/meetings/2026/rural-affairs-and-islands-committee-11-february-2026>).

In light of that decision, Scottish Ministers are revoking the Order and are currently considering options available to them to protect and recover cod stocks in the Clyde.

### **UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility**

The Scottish Ministers have made the following statement regarding children's rights. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Sea Fish (Prohibition on Fishing) (Firth of Clyde) Revocation Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

### **EU alignment consideration**

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

### **Impact assessments**

A Child Rights and Welfare Impact Assessment has been completed for this instrument.

### **Financial effects**

The Cabinet Secretary for Rural Affairs, Land Reform and Islands confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

## **Explanation to the Presiding Officer of why the instrument was laid in breach of the statutory laying requirements**

I am writing to advise that the Sea Fish (Prohibition on Fishing) (Firth of Clyde) Revocation Order 2026 is being laid today and will come in to force on 18 February 2026.

The Order revokes the Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2026 (SSI 2026/10) which was subject to the negative procedure and came in to force on 14 February 2026.

Section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 sets out that a negative SSI must be laid before the Scottish Parliament at least 28 days before the instrument comes into force. On this occasion, this has not been complied with and, in accordance with the requirements of section 31(3) that Act, this letter explains why.

On 11 February 2026, the Rural Affairs and Islands Committee agreed to recommend to the Scottish Parliament that SSI 2026/10 be annulled. In light of the Committee's recommendation, Scottish Ministers have decided to revoke the Order based on a clear and reasoned assessment of the parliamentary context and the expectations surrounding the instrument. Ministers are currently considering alternative options to protect and restore cod stocks in the Clyde in light of scientific advice and in recognition of Ministers' legal obligations.

Head of Domestic Fisheries Management  
Marine Directorate  
17 February 2026