

REGULATORY IMPACT ASSESSMENT

The Prohibition of Fishing with Multiple Trawls (No. 2) (Scotland) Amendment Order 2003

The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Amendment Order 2003

Issue

1. Scottish legislation (SSI 2000/405) requires nephrops twin-trawls to use a minimum mesh size of 100mm in all areas of the Scottish zone except the Fladen Grounds and the Clyde, where a minimum mesh size of 80mm must be used.
2. Under the effort limitation scheme, vessels over 10m in length and carrying nets with a mesh size of between 70 - 99mm will be allowed to go to sea for 25 days/month but, carrying nets of over 100 mm, they will be restricted to 15 days/month.
3. Therefore the 15 days limit, which was intended to impact on whitefish boats only, has inadvertently restricted approximately 75 nephrops vessels which use 100mm twin trawls.

Objective

4. The amending Orders will change the twine thickness and mesh-size rules and thus allow all nephrops vessels to fish for up to the full 25 days per month, as was the intention of the December Council of European Fisheries Ministers.

Risk Assessment

5. A section of the nephrops fleet is being unnecessarily restricted in its operations due to an unintended consequence of the December Council. To allow these restrictions to continue would be an unjustified burden on the vessels in question.

Options

6. Three options have been identified:
 - A) Do nothing and leave the legislation unchanged.
 - B) Harmonisation. Amend the regulations to require the use of 90mm mesh by all nephrops twin-trawlers.
 - C) Executive Proposals: Amend existing national legislation to reduce the 100mm mesh size to 95mm, adjust the twine thickness rules and thus permit all nephrops vessels to fish for the full 25 days per month, provided they attach a headline panel to their net to reduce bycatch of whitefish.

Issues of Equity and Fairness

7. The current situation is that some nephrops twin-trawlers are restricted to 15 days per month while others are permitted the full 25 days per month. The current situation is patently unfair and options B and C would both improve the equity of the regulations.

Benefits

8. Option A: This option restricts some twin-trawl nephrops vessels to 10 days per month less than their counterparts in other areas. This is unjustified. Any conservation benefit gained from maintaining current mesh-sizes is likely to be offset by fishermen switching to single-trawl 80mm nets and thus taking a higher whitefish bycatch.
9. Option B: This option would permit all nephrops vessels to fish for the full 25 days per month. It would harmonise regulations across Scottish waters and ease the burden on enforcement personnel. However, no vessel currently uses 90mm mesh-size nets and therefore each skipper would have to purchase new nets at a cost of approximately £500 each. As some boat owners also own several nets of the current mesh sizes (80mm/100mm) which would become obsolete and unusable, this would create considerable compliance costs for business.
10. Option C: This would permit those vessels currently unfairly restricted to 15 days per month to fish for up to 25 days per month, bringing considerable financial benefits. The affected fishermen will need to add a headline panel to their net, but the cost of this (approximately £200) will be more than met by the income accrued by being able to fish for an extra ten days per month. In addition, the headline panel will help reduce bycatch of whitefish which should help promote a larger whitefish stock in the medium term, to the future economic benefit of all fishermen.

Compliance Costs for a Typical Business

11. A typical business would be a nephrops twin-trawl vessel operating on the west coast of Scotland north of 56°North. This vessel is currently limited to 15 days per month under the terms of the European Effort Control Regulation. The above Orders would permit vessels to fish for an extra 10 days per month, increasing their potential earnings by up to 67%. The skipper would be required to insert a headline panel into his net, at a cost of up to £200. This is a very small amount of money compared to the earnings likely to be accrued through fishing for an extra ten days per month.

Results of Consultation

12. A consultation was conducted under an unavoidably tight timescale with interested stakeholders and other UK Fisheries Departments. The Executive did receive a fair reflection of the industry's views on the proposals. The full responses will be made publicly available in the Scottish Executive Library.

Summary and Recommendations

13. The economic gains to the vessels concerned of being able to fish for an extra ten days per month outweigh the short-term cost of inserting a headline panel into a net. The conservation impact of the proposals is likely to be minimal.

Enforcement, Sanctions, Monitoring and Review

14. The Scottish Fisheries Protection Agency will undertake enforcement. Penalties for non-compliance are set out in the Statutory Instrument. As the Orders do not introduce new rules but amend existing ones, the extra enforcement burden is limited. The operation of the amendments will be reviewed in the light of any changes to the relevant European regulations.

DECLARATION:

I have read the Regulatory Impact Assessment and I am satisfied that the balance between cost and benefit is the right one in the circumstances.

Signed by the responsible Minister

Date

**SEERAD: Sea Fisheries Division
February 2003**