

REGULATORY IMPACT ASSESSMENT

The Sea Fish (Prohibition of Fishing) (Firth of Clyde) (Scotland) Order 2003

Purpose and Intended Effect of Measures

1. ICES scientific advice suggests that cod stocks in EU waters are at serious risk of collapse. The EU responded by introducing a number of temporary closures in the Irish Sea in 2000, 2001 and 2002 to protect adult cod during the spawning season, which should lead to bigger stocks in future years. An additional closure was implemented in the Clyde, acknowledged as a key spawning ground, in 2001. In 2002, the Commission decided it would not introduce a closure in the Clyde as this area fell within the inshore waters of one Member State and applied only to vessels of that Member State. It was therefore left up to the UK to decide whether introduce a similar closure for 2002. As the area lies within the Scottish zone, the Order requires to be laid by Scottish Statutory Instrument. The same circumstances exist this year and therefore it falls to the Scottish Executive to introduce a spawning closure in the Clyde.
2. This Order establishes a temporary closure in the Clyde during the 2003 cod spring spawning period (14 February to 30 April), prohibiting fishing activity by any British fishing boat with derogations for certain gear types which do not impact on the cod stocks.

Risk Assessment

3. The mouth of the Clyde is an area where it is well known that cod spawning takes place at a known time and where it is widely acknowledged that fish concentrate to spawn. The immediate objective must be to allow as many cod to spawn as possible until 30 April in order to protect the stock for the benefit of fishermen in future years. In addition, effort displaced by the Irish Sea closure could increase fishing pressure in the Clyde if no closure were simultaneously introduced there. These closures coincide with the spring spawning period of local cod stocks to reduce the targeting of mature cod by fishing boats at a critical period in their lifecycle. The Scottish Executive therefore believes that a renewed closure for the Clyde is essential this year.

Options

4. In considering the options, it is required that two competing interests be balanced: the need to help preserve the vulnerable cod stock for the long term, and the needs of fishermen to earn a living in the short-term.
 - Do nothing: There is little doubt that not introducing a closure would be deleterious to the cod stocks, particularly given the likelihood of greatly increased fishing pressure displaced by the Irish Sea closure.
 - Executive proposals: To facilitate continuity, the Executive's proposals were based on those agreed in previous years following negotiations with the industry. The closure of the key Clyde spawning grounds should help to protect the cod stock, whilst providing fishermen with the opportunity to fish in the North

Channel which will remain open. In addition, there remains the option of switching to a nephrops fishery for the duration of the closure.

Equity and Fairness

5. Given the diverse fishing techniques used by the various sectors of the fishing industry it is not possible to be entirely confident that the measures will not impact more on some than on others. However, the Order applies equally to all British fishing boats. The measures in the Order are based on methods of fishing, not on geography and discriminate only against methods of fishing which target cod, which is the objectively justified intention of the legislation.

Benefits

6. Protecting this fishery during the spawning period, thus allowing more fish to spawn, should help the stock biologically and may lead to an increased spawning stock biomass in the medium to longer term. This should lead to an economic benefit to the industry with increased catches in future years.

Compliance costs for business

7. There will be no direct costs to skippers or other businesses resulting from this order.
8. Quota remains unchanged and the closure should not prevent skippers from catching their full quota over the duration of the year. At most, the proposed closure may lead to a reduction in fish landings for its duration and therefore in incomes on a temporary basis. The fishermen should not be financially disadvantaged overall. However the North Channel remains open and this provides significant alternative fishing opportunities which should overcome this. In addition, there remains the option of switching to a nephrops fishery for the duration of the closure, something that is recognised in the derogation to allow a nephrops fishery in much of the closed area within the Clyde. In addition this closure should lead to a bigger stock in future years to the benefit of all fishermen. Due to the complex and varied nature of the mixed fishery it has not proved possible to calculate exact figures for any possible catch changes. However it is clear that the longer-term benefits will outweigh any short-term costs related to possible cash flow difficulties during the closure.
9. The proposals would not give rise to further costs to the Scottish Executive. In particular, the Scottish Executive's enforcement of the proposed measures would be achieved within the existing provision for the Scottish Fisheries Protection Agency.

Results of Consultation

10. Other UK Fisheries Departments along with the main fishing industry bodies were consulted over this closure. The tight timescale prevented a longer consultation period but the Executive did receive a fair reflection of the industry's views. No substantive arguments were brought forward to counter the conservation benefits of the closure. A summary of replies will be made available in the Scottish Parliament Information Centre (SPICe). The full responses will be publicly available in the Scottish Executive Library.

Summary and Recommendations

11. The medium term biological improvements to the stock and the economic gains provided by increased future catches outweigh the short-term costs of restrictions on catching during the 10-week closure. The quota remains unchanged and so the total amount of cod that fishermen are able to land during 2002 is unaffected.

Enforcement, Sanctions, Monitoring and Review

12. The Scottish Fisheries Protection Agency will undertake enforcement. Penalties for non-compliance are set out in the Statutory Instrument. Since the closure is time limited and applies for 2003 only, it will not be necessary to review the closure during its operation. Its impact will be assessed afterwards.

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 of Regulatory Impact Assessment: February 2003

**SEERAD: Sea Fisheries Division
February 2003.**