

REGULATORY IMPACT ASSESSMENT

1. Title

The Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Amendment Order 2003

2. Purpose and Intended Effect

Under the 2001/02 review of inshore fishing prohibitions made under The Inshore Fishing (Scotland) Act 1984, industry and other interests were consulted on 11 proposals. Proposals varied from restriction on vessel horsepower to restriction on the type of gear used. After full consultation with industry and others, we have decided that 3 of the proposals should be implemented. These are:

- i) A seasonal closure to the creel fishery west of Barra out to 6 miles, north to Scarp Island;
- ii) Introduction of a maximum fishing size for female lobsters in Scotland's inshore waters;
- iii) A ban on the use of parlour creels targeting nephrops.

All 3 measures are designed to improve shellfish stocks for the benefit of shellfish fishermen and the wider marine environment.

Proposal i) is designed to complement measures already in place locally to protect egg-bearing female lobsters. The expectation is that the proposal would aid the improvement of lobster stocks to the west of Barra, the Uists and Harris in the medium to long-term. It should also help to improve local stocks of other creel caught shellfish.

Proposal ii) is intended to enhance lobster stocks in Scotland's inshore waters through the protection of larger female lobsters. This would enable such animals to continue breeding and would complement the existing minimum landing size.

Proposal iii) is designed to protect and enhance nephrops stocks in Scotland's inshore waters by curtailing the development of the more efficient parlour creel.

3. Risk Assessment

Local interests are concerned that if proposal i) is not introduced, the benefits accrued from the local lobster v-notching scheme will be compromised by heavy winter fishing.

Whilst the use of parlour creels in the nephrops fishery is not seen as a major problem at present, proposal iii) is seen as necessary to prevent the development of such creels which, it is said, would lead to expansion in the nephrops fishery and be detrimental to stocks.

4. Costs for Fishing Industry

There will be some cost to industry in terms of reduced catches and displacement of activities. Costs should however be minimal and offset in the longer-term as shellfish stocks improve.

In the case of proposal i), it is expected that most fishermen will transfer their activities during the seasonal closure to areas to the east of the Hebrides. Bigger boats should also have the option of fishing further off the west side of Barra and the Uists.

Proposal ii) will result in female lobsters caught above the maximum size being returned to the sea. Based on Fisheries Research Services analysis which suggests that a maximum size of 155mm would not be punitive in terms of numbers of lobsters caught above that size and considering that larger animals are said to attract less of a premium than medium sized animals, the negative effect of proposal ii) is expected to be minimal. It should be noted that the proposal was originally proposed to cover both male and female animals. However, after discussing with FRS and the proposal sponsors, it was agreed that applying to females only at this stage would lessen the possible negative impact on the profit margins of lobster fishermen whilst maintaining a conservation benefit.

The development of parlour creels in the nephrops fishery is said to be at an early if not foetal stage. Introduction of proposal iii) is therefore a pro-active measure, which should have little or no cost implications.

5. Other Costs

Although policing the legislation will add to the responsibilities of the Scottish Fisheries Protection Agency, it is envisaged that this will be carried out utilising existing resources. The proposals do not give rise to any additional costs for SEERAD.

6. Consultation

The 3 proposals were fully consulted on as part of wider ranging consultations on inshore fishing prohibitions. Proposal i) was generally supported by respondents although 2 were concerned about the implications for vessels currently fishing the area. FRS was content with the proposal from a scientific viewpoint. There was some objection to proposal ii) but mainly support. Colleagues in FRS and SFPA thought the proposal was a sound one. Proposal iii) was overwhelmingly supported by consultees as a pro-active measure to protect against expansion in the nephrops fishery.

7. A list of those consulted is included in the appendix.

8. Enforcement, Monitoring and Evaluation

Enforcement of the measures will be carried out by the Scottish Fisheries Protection Agency utilising existing resources. Evaluation of lobster populations to the west of Barra is already taking place under the existing lobster v-notching scheme and the seasonal closure will cover the v-notching exercise area. On proposal ii), Scottish lobster and other shellfish stocks are evaluated on a periodic basis by FRS and the success or otherwise of the proposal would feed in to that.

9. Summary and Recommendation

Our opinion is that the measures proposed will aid conservation of lobster and nephrops stocks in Scotland's inshore waters whilst causing minimal upheaval for fishermen. The proposals have been broadly welcomed by fishing interests and colleagues in Fisheries

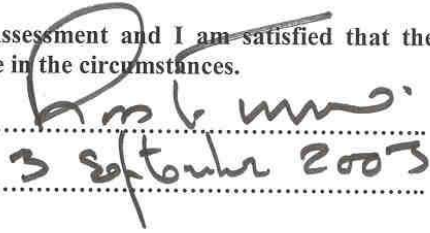
Research Services. Although they would increase the enforcement burden on the Scottish Fisheries Protection Agency, the measures should be able to be policed using existing resources. It is recommended that the measures are adopted.

Ministerial 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



Handwritten signature: *Martin Ritchie*
Handwritten date: *3 September 2003*

Contact Point

Martin Ritchie,
Scottish Executive Environment and Rural Affairs Department,
Sea Fisheries Division,
Inshore Fisheries Branch,
Room 518,
Pentland House,
47 Robb's Loan,
Edinburgh, EH14 1TY.
Telephone 0131-244-6442.
Fax 0131-244-6288.
E-mail Martin.Ritchie@scotland.gsi.gov.uk