

Licensing of Sea Fishing Vessels Registered at a Port in Scotland

Scottish Government Rules

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1. Purpose of document

1.1 This document describes the rules that the Scottish Government applies to the licensing of sea fishing vessels. It rescinds and replaces in their entirety any letters and other documents of guidance issued by Marine Scotland and its antecedent departments on the issues addressed herein. It does not describe all of the rules connected to the grant and use of individual licences: these are set out in application forms, in conditions of licences and in relevant legislation. It is the responsibility of licensees and other persons to be familiar with all rules applying to any fishery in which they participate.

1.2 These rules may be revised from time-to-time, and a new version issued. The Scottish Government may also communicate rules that apply temporarily.

2. Basis of licensing and general policy

2.1 The basis for sea fisheries licensing is provided in The Sea Fish Licensing Order 1992, which is made under the Sea Fish (Conservation) Act 1967.

2.2 The Scottish Government licenses Scottish fishing vessels registered under Section 8 of the Merchant Shipping Act 1995. Scottish fishing vessels are those registered at a port in Scotland with a current Certificate of Registry issued by the Registry of Shipping and Seamen (RSS).

2.3 The general policy of the Scottish Government and that of the other UK Fisheries Administrations is to operate a restrictive licensing scheme. This means that no new licences are issued, placing a ceiling on the total capacity of licensed vessels in the UK fishing fleet. In order to license a new vessel a fisherman must acquire one or more licence entitlements from other previously-licensed vessels. This policy applies to the main licences issued under these rules and in general to the grant of the special permissions described in Section 6.

2.4 The UK Fisheries Administrations also have an agreement (a "Concordat") about the ways in which licensing of fishing vessels is carried out in the United Kingdom, and in particular the circumstances in which fishing vessels may apply to and be permitted to change country of administration in the UK. The Concordat may be viewed here:

<http://www.gov.scot/Topics/marine/Sea-Fisheries/context/Concordat>

3. Requirement for a licence to conduct sea fishing

3.1 A licence is required to fish commercially for sea fish using a vessel and to land its catch for profit.

3.2 The requirement for a licence does not apply to vessels:

- i. fishing for salmon or migratory trout
- ii. used wholly for the purpose of conveying persons wishing to fish for pleasure
- iii. 10 metres and under and fishing for common eels, and/or
- iv. 10 metres and under that do not have an engine to power the boat

3.3 Licences specify the details of the vessel licensed and connected matters, including:

- the licence nominee (the address where licences and notices of variation may be sent)
- Community Fleet Register (CFR) number

- vessel name
- owner details
- Port of registration and Port Letter and Number (PLN)
- International Radio Call Sign (IRCS)
- length
- tonnage, and
- engine power

If one of the details relevant to the vessel changes, the licensee or their representative must inform their local Fishery Office immediately. Failure to do so renders the licence invalid. If the engine power and/or tonnage of a vessel change then the vessel may have to be re-licensed.

3.4 Licences are issued at the discretion of the Scottish Ministers and may be varied, suspended or revoked, in terms of Section 4(9) of the 1967 Act. Licences are also issued subject to such conditions as the Scottish Ministers consider necessary or expedient for the regulation of sea fishing in terms of Section 4(6) of the 1967 Act. Conditions that apply to domestic licences may vary according to whether the vessel is in the membership of a Fish Producer Organisation (PO) and which PO it is in.

3.5 Photographic identification may be required in order to carry out a licence transaction or to sign official documentation.

4. Domestic licences and licence entitlements

4.1 “Domestic waters” for the purposes of these rules are ICES Division IIa (EC Zone), IV, Vb (EC Zone), VI, VII, VIII, IX, X, XII (International Waters) and XIV (International Waters) and CECAF 34.1.1 (EC Zone). Domestic licences authorise fishing in these waters. The domestic licence also authorises fishing in Norwegian waters south of 62 degrees latitude in ICES Area IV, but only where vessels (with gross tonnage [GT] in excess of 200 GT) have applied for and been granted by the European Commission access to the Norwegian zone of ICES Area IV. Vessels cannot fish until they have been added to the access list.

4.2 There are two categories of domestic licence for:

- i. vessels 10 metres and under, and
- ii. vessels over 10 metres

4.3 Domestic licences authorise fishing for species subject to quotas and for other species. The standard duration of licences is 10 years.

4.4 When the owner of a fishing vessel sells the vessel but retains the licence, or the vessel sinks, is scrapped, is otherwise de-registered, or the licence is removed from a vessel, the licence becomes invalid. However the licence holder retains an entitlement to apply to license another fishing vessel, as long as an application for an entitlement is made within three months of the vessel licence becoming invalid.

4.5 Licence entitlements do not ordinarily arise when a vessel receives a decommissioning grant to permanently remove the vessel from the fishing fleet. In order to receive such a grant a vessel owner is likely to be required to give up his entitlement in respect of the vessel being decommissioned.

4.6 A licence entitlement authorises the holder to apply for a new licence for a period of 10 years from the creation of the entitlement. The Scottish Government will consider applications for this period of validity to be extended.

4.7 In this document a reference to a “licence” is understood to include licence entitlements, unless specified otherwise.

5. Transfer, aggregation and disaggregation of domestic licences and licence entitlements

5.1 Domestic licences may only be transferred within the categories detailed in 4.2 above: i.e. licences from over 10 metre vessels may not be transferred to vessels of 10 metres and under, nor vice versa.

5.2 Fishing vessels must be fully licensed in terms of the tonnage and kilowatt engine capacity of the vessel. For licensing purposes tonnage and engine power are those specified on the Certificate of Registry noted in paragraph 2.2.

5.3 Where one (and not more than one) licence entitlement (not including a disaggregated entitlement) is transferred to license a vessel and the donor licence is in some respect smaller than the vessel being licensed, mismatches will be permitted in relation to tonnage or kilowatt capacity, but not both, as noted in the table below:

Vessel Group	Tonnes	Kilowatts
10 metres and under	0.5	5
Over 10 metres	2	10

These minor mismatches are noted but are not awarded to licences. They are not available when licences are being aggregated.

5.4 Domestic licence entitlements and their component parts (i.e. length, tonnage and engine power), may be transferred, aggregated and disaggregated, within the categories detailed in 4.2 above i.e. licence entitlements that arose from over 10 metre vessels may not license vessels of 10 metres and under, nor vice versa.

5.5 Disaggregation will be permitted subject to minimums, shown in the table below. Creation of disaggregated licence entitlements with quantities below those shown will not be permitted. Any disaggregated licence entitlement established prior to the introduction of these rules will continue to be valid. Disaggregated entitlements may contain only tonnage or kilowatts: they do not need both.

	Minimum Amounts	
Vessel Group	Tonnes	Kilowatts
10 metres and under	0.5	5
Over 10 metres	2	10

5.6 Licences and licence entitlements may be transferred within the United Kingdom, subject to any arrangements agreed between the Fisheries Administrations for the control of licence and vessel movements. Any such arrangements will be detailed in the UK Concordat on Fisheries Management. The Scottish Government will consider applications to transfer licences to/from another part of the United Kingdom in terms of the arrangements described in the Concordat.

5.7 The ability to transfer a licence may be suspended where a licensee is suspected of having committed an offence and Marine Scotland Compliance has taken a decision to refer

the matter to the Crown Office and Procurator Fiscal Service. This is referred to as 'licence freezing'.

6. Special permissions to conduct specified types of sea fishing

6.1 Special permission is required to conduct specified types of sea fishing under the authority of the domestic licence.

6.2 Special permission is required:

- i. to conduct fishing operations with a beam trawl in ICES Areas IIa (EC Zone), IIIa, IIIb, IIIc (EC Zone), III d (EC Zone) IV (the North Sea); and, separately, ICES Area VII and in other areas specified in licence conditions. For the purposes of these restrictions a beam trawl means a net which is kept open by a beam or frame and which is dragged along the sea bed.
- ii. for vessels of over 10 metres, to fish for scallops of the species *Pecten maximus* (King scallops) using mechanical dredging gear towed by the vessel
- iii. to conduct fishing for named shellfish above catch limits specified in the domestic licence
- iv. to fish for, carry or land razor fish
- v. for vessels over 10 metres, to retain on board and land more than 100 kg of deep sea species in each fishing trip. In this context deep sea species are those species specified in Annex I of Council Regulation (EC) No. 2347/2002. This special permission is described as a Deep Sea permit. The Deep Sea permit also authorises the vessel to fish for Greenland halibut and Red seabream, and
- vi. to conduct targeted fishing for Northern albacore tuna, north of latitude 5 degrees north

6.3 Special permissions, with the exception of razor fish licences, may be transferred, aggregated and disaggregated with the domestic licence to which they are attached, but may not be separated from a licence, except in relation to both the Deep Sea permit and shellfish entitlement.

6.4 Deep Sea permits may be transferred, aggregated and disaggregated separately from the main licence. However, it is only possible to transfer Deep Sea permits in-year if the donor vessel(s) has landed less than 100 kg of deep sea species at the end of every trip undertaken since 01 January of the year in question. If this condition is not met the transfer of the Permit cannot take effect until 01 January of the following year. The track record of catches of deep sea species is associated with the Deep Sea permit rather than the main domestic licence, and accordingly that track record transfers with the Permit.

6.5 Shellfish entitlements may be transferred, aggregated and disaggregated separately from the main licence.

6.6 A licence holder who wishes to retain or obtain any of the special permissions must ensure that their vessel is fully licensed with a licence or permit containing the relevant special permission(s) (except where there is a minor mis-match, as described in 5.3 above) or have a history of such permissions. Where licences that do not all contain a special permission are aggregated, that permission is lost.

7. Variation of licences

7.1 Licences may be varied. Variations normally take one of two forms:

- Changes to the general rules (conditions) that apply to sea fishing, further to Scottish Government policy decisions, and/or
- Alterations to the species or amounts of sea fish that may be retained on board; sea areas in which fishing may take place; and/or the amount of time that may be spent at sea undertaking specified types of fishing.

7.2 Variations may apply to individual vessels, all vessels or to a specified group of vessels, which may include vessels in the membership of a particular PO. A licence may also be varied (or suspended) at the request of a vessel's PO in accordance with disciplinary arrangements agreed between the Scottish Government and Scottish POs.

7.3 Further to the Sea Fishing (Licences and Notices) (Scotland) Regulations 2011, licences are now in general varied through a notice published on the Scottish Government website. Licences include a condition that requires licence holders to check a specified page of the Scottish Government website at a specified time. Variations are published once a week, every Friday. Variations published on the website come into effect 24 hours after midnight on the day upon which notice is given. This means that notices published on the website on Friday come into effect at 0001 hours on Sunday, unless a variation notice specifies a later time at which the variation is to take effect.

7.4 The licence variation page can be found at:

<http://www.gov.scot/Topics/marine/Licensing/FVLS/licencevariations>

7.5 Licences can also be varied by the issue of notices in person, by post or by leaving it at the place of business of the master, owner, charterer or a nominee.

8. External Waters licences

8.1 Holders of domestic licences may also apply for licences to fish in 'External Waters', which include specified waters outside EU waters. Licences are available in fisheries under the jurisdiction of States with whom the EU has an agreement for access and/or within the authority of international organisations to which the EU is a signatory. The EU is responsible for fisheries negotiations with States that are not members of the EU.

8.2 Agreements with third countries include:

- those with northern countries like Norway, Iceland and the Faeroe Islands, which generally involve joint management of shared stocks, and
- "Fisheries Partnership Agreements", generally with southern countries, to whom the EU gives financial and technical support in exchange for fishing rights

8.3 The international organisations involved in External Waters fisheries are known as "Regional Fisheries Management Organisations".

8.4 The number of licences available to EU vessels to fish in External Waters is often specified in international agreements, and the sharing of these licences and any total allowable catch (TAC) among EU Member States specified in EU Regulations.

8.5 External Waters licences and other authorisations are available for Scottish vessels in relation to the following northern third country fisheries:

- i. Faroese waters: arrangements exist for access to specified fisheries in Faroese waters, for whitefish, Blue whiting, Atlanto-Scandian herring (ASH) and Mackerel and,
- ii. Norwegian waters: arrangements exist for access to Atlanto-Scandian herring (ASH) (north of 62 degrees latitude).

8.6 These arrangements involve access lists for specified maximum numbers of UK fishing vessels. Vessels cannot fish until they have been added to access lists and have been granted a licence.

8.7 At present, the UK (and the EU) has no access to fishing opportunities in Icelandic waters.

8.8 The UK has access to fishing opportunities under Fisheries Partnership Agreements (FPAs) with Morocco, Mauritania, Mozambique, Madagascar and Greenland. In relation to other FPAs there is no UK access as the UK has not historically fished in these waters. Only if other EU Member States do not utilise their full allocation may it be possible to obtain temporary and limited access.

8.9 There are also licences available in relation to fisheries under the jurisdiction of Regional Fisheries Management Organisations. These can include fisheries in relation to:

- i. Indian Ocean Tuna Commission (IOTC)
- ii. International Commission for the Conservation of Atlantic Tunas (ICCAT)
- iii. Northwest Atlantic Fisheries Organisation (NAFO), and
- iv. North East Atlantic Fisheries Commission (NEAFC)

8.10 For all other areas not covered above it may be possible to enter into a private agreement with a third country or territory. An authorisation from a third country or territory is no guarantee that the vessel will be issued with an External Waters licence as the Fisheries Administrations will wish to be satisfied that the planned activities of a UK-flagged vessel do not run counter to the UK's international obligations. In addition, any authorisation for fishing on the high seas (areas not covered under the jurisdiction of a coastal state or an EU regulation) will be issued at the discretion of the UK Fisheries Administrations.

8.11 External Waters licences are only valid when accompanied by an authorisation issued by the State or International Organisation within whose jurisdiction the waters lie (although this does not apply in relation to IOTC and NEAFC authorisations) and where vessels comply with any rules and conditions (including for the carriage of relevant third country regulations). In a number of cases it is necessary first to notify the European Commission before fishing may commence in the External Waters. Marine Scotland and the Marine Management Organisation maintain lists of vessels authorised to fish in specified External Waters, and also report these to the European Commission. Conditions applying to each fishery are specified in the External Waters licence for the fishery in question.

8.12 Licensees should submit enquiries and applications about External Waters licensing to the Marine Scotland Fishery Office in their port of administration. External fishing opportunities are subject to change. Where additional licences become available, or where licences become available in new fisheries, Fishery Offices, Scottish Fish Producer Organisations and other interested parties will be notified about arrangements for applications.

9. Trans-shipment of pelagic sea fish: licence required

9.1 Owners of vessels (whether UK or foreign), or agents acting on their behalf, proposing to receive trans-shipped pelagic sea fish caught by a UK vessel, where the proposed trans-shipment is to occur within British fishery limits, must apply for a Trans-shipment licence at their Marine Scotland Fishery Office. Pelagic sea fish in this context are Mackerel, Herring, Horse mackerel, Blue whiting, Sprat and Pilchard. Such licences are required within the terms of the Receiving of Trans-shipped Sea Fish (Licensing) Order 1982, as varied by the Receiving of Trans-shipped Sea Fish (Licensing) Order 1983.

9.2 The Merchant Shipping (Compulsory Insurance: Ships Receiving Trans-shipped Fish) Regulations 1988 make insurance, or some other form of financial security, compulsory for ships which have been issued with a trans-shipment licence. The Maritime and Coastguard Agency is responsible for enforcing these regulations. Fisheries Administrations assist by advising the Agency of all trans-shipment licences issued. Details of the arrangements were set out in Merchant Shipping Notice MSN 1711 (M+F).

10. Penalty points

10.1 Penalty points may be added to a licence where a “serious infringement” within the terms of the EU’s Control Regulation is committed in relation to the licensed vessel. Further guidance about the operation of this system, and the circumstances in which the assignment of points to a fishing licence may give rise to the suspension of the licence, can be found here:

<http://www.gov.scot/Topics/marine/Licensing/FVLS/points>

10.2 Arrangements also exist whereby points may be assigned to masters of fishing vessels, which can give rise to suspension and disqualification from the ability to master a fishing vessel.

Marine Scotland
1 July 2017

Licence Categories

Marine Scotland issues the following licences:

Domestic Licences

- 10 metres and under vessel licence
- Over 10 metres vessel licence
- Blue Whiting (Domestic and International)
- Deep Sea
- Northern Albacore Tuna licence
- Razor Fishing licence

External Waters Licences

- Atlanto-Scandian Herring (EC and International Waters of IIa)
- Blue Whiting (International)
- External Waters/IOTC licence
- Faroese (Whitefish)
- Faroese (Blue Whiting)
- Faroese (Atlanto-Scandian Herring – north of 62 degrees north)
- Norway (Atlanto-Scandian Herring – north of 62 degrees north)

List of Forms

Reference	Title
	Request to Change (UK) Country of Administration
AFL2	Application for a Fishing Vessel Licence for a Fishing Vessel Registered in Scotland <i>(Available online and from your local Fishery Office)</i>
AFL2A	Re-Application for a Fishing Vessel Licence for a Fishing Vessel Registered in Scotland <i>(Available from your local Fishery Office)</i>
AFL7	Establishment or Transfer of an Entitlement and Transfer of Licence <i>(Available from your local Fishery Office)</i>
AFL19	Application to Disaggregate a Fishing Vessel Licence Entitlement
	Application for an Atlanto-Scandian Herring (EC and International Waters of IIa) Licence
	Application for a Blue Whiting (Domestic and International Waters) Licence
	Application for a Blue Whiting (International Waters) Licence
	Application for an External Waters/IOTC Licence
	Application for a Faroese Atlanto-Scandian Herring (North of 62 Degrees North) Licence
	Application for a Faroese (Blue Whiting) Licence
	Application for a Faroese (Whitefish) Licence
	Application for a Norwegian Atlanto-Scandian Herring (North of 62 Degrees North) Licence
	Application to Fish Within the Norwegian Economic Zone and the Fishery Zone Around Jan Mayen
	Application for a Razor Fishing Licence
	Application to Trans-Ship Pelagic Fish

(All forms are available [online](#), unless stated otherwise)