

Marine Scotland

Consultation on New Controls in the
Scottish King Scallop Fishery 2014



marinescotland

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Executive Summary

This consultation seeks views on new management measures in the Scottish king scallop (*Pecten maximus*) fishery. The issues on which views are sought are:

- Increasing the minimum landing size of scallops
- Introducing new restrictions associated with the use of dredges
- Changes to licensing arrangements to restrict the upsizing of replacement vessels
- Placing restrictions on the time that vessels can spend at sea

The overall aim of these management proposals is to improve the management of effort in the fishery after an expansion in recent years and to attempt to increase the spawning stock biomass of the stock.

These proposals are informed by the report *A Review of the Scottish Scallop Fishery* carried out by Poseidon Consultants which investigated the scallop fishery in Scotland and made proposals around governance. The review can be accessed here: <http://www.scotland.gov.uk/Resource/0045/00450683.pdf>

The review came about as a result of a consultation Marine Scotland ran in 2012 on the introduction of changes to dredge restrictions and increasing the minimum landing size of scallops to 110 mm. No alterations to legislation came about as a result of that consultation, with respondents highlighting a lack of evidence to support the proposals.

The scallop fishery is highly important to Scotland with landings into Scotland worth £23 million last year. During the course of 2013, 86 vessels with a scallop entitlement prosecuted the fishery but nearly double that number have an entitlement allowing them to join the fishery in future.

Marine Scotland Science conducts regional stock surveys around the Scottish coast. The latest available assessments show that the health of the fishery varies around the coast. However, their recommendation for most areas is that fishing mortality should not increase and, at least for some areas, that management measures are taken to cut fishing mortality and increase the spawning stock biomass (the total weight of the fish in a stock that are old enough to spawn).

These measures fit with the Scottish Government's aim of having a well-managed and profitable scallop sector that helps support our coastal communities and encourages sustainable practises.

Background on the Consultation Process

The purpose of this consultation document is to seek the views of those with an interest in scallop fishing in Scotland, in order to inform policy decisions. The consultation will commence on 9 October 2014 with a deadline of 5 January 2015 for responses.

The views and suggestions received in consultation responses will be analysed and fed into the decision making process. Final decisions on the issues under consideration will also take account of a range of other factors, including any other available information and research evidence.

Please send your returns or address any queries to:
Scallop_Consultation@scotland.gsi.gov.uk

Or

Scallop Consultation
Area 1B South
Victoria Quay
Edinburgh
EH6 6QQ

If you have any queries please contact the Inshore Fisheries and Communities Branch on 0131 244 4421

The Scottish Government may make the responses to this consultation paper available to the public and to the Scottish Parliament. We will acknowledge responses and may publish an analysis of the responses after the consultation. If you respond to this consultation you are requested to complete the enclosed responded information form attached at Annex B. This will ensure that we handle your responses appropriately.

Background to the Consultation

Background on the Scottish Scallop Fishery

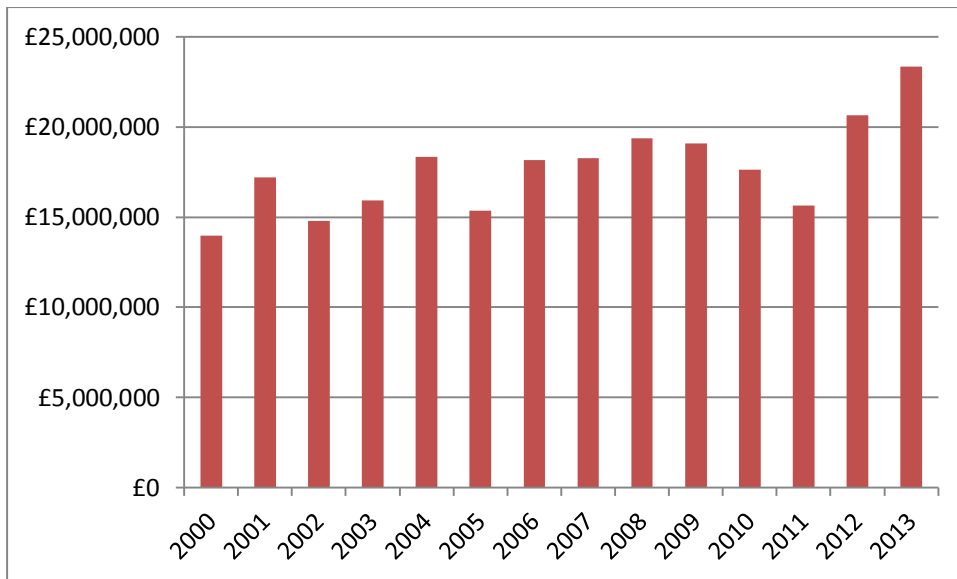
Scotland has a long tradition of commercial scallop fishing in the waters around its coasts and as long ago as the 1930s vessels in the Clyde began to dredge for scallops. Over the decades the fishery has developed significantly and fishing for scallops, both by dredge and dived means, now occurs right around the coast and is highly important to many fishing ports in Scotland's coastal communities.

The fishery not only provides employment to those working on fishing vessels but also to those employed in secondary industries like processing and transport. Today, Scottish scallops are recognised as a quality product and are consumed across the UK and abroad.

Scallops are the second most valuable shellfish species landed by Scottish vessels and one of the most valuable fish species landed into Scotland. The importance of scallops to the Scottish fishing industry is illustrated in the tonnage and value of scallops landed. In 2013, 12,448 tonnes of scallops were landed with a value of £23.3 million. This compares to 2000 where landings of 8,832 tonnes had a value of £14 million.



Tonnage of scallops landed by UK vessels into Scotland, 2000-2013



Value (£s) of scallops landed into Scotland, 2000-2013

A Review of the Scottish Scallop Fishery

This consultation is informed by the report *A Review of the Scottish Scallop Fishery* carried out by Poseidon Consultants for Marine Scotland. The review came about as a result of a consultation Marine Scotland ran in 2012 on the introduction of new management measures into the Scottish fishery. Poseidon's review looked at technical, economic and environmental aspects of the fishery. The report highlighted a trend towards growing effort in the fishery and concerns over spawning stock biomass. This consultation focuses on the introduction of national measures to manage increasing fishing effort and increase spawning stock biomass.

The other recommendations arising from the report will be dealt with separately. It is the intention of Marine Scotland that the creation of spatial reserves such as closed areas should be developed locally through Inshore Fisheries Groups. The need for management of fishing activity in Marine Protected Areas (MPAs) to manage the environmental impact of the fishery in these areas is being addressed through the MPA consultation process.

Current Management Measures in the Scottish Scallop Fishery

The main governance measures that currently cover the Scottish scallop fishery are:

- Vessels over 10 metres in length must have a specific scallop entitlement to prosecute the dredged fishery
- Limits on the number and type of dredges that vessels can use
- Minimum Landing Size restrictions
- An effort restriction on vessels over 15 metres in length operating in the west of Scotland (Areas V, VI and VII)

Scallop Entitlement

Dredged fishing for scallops by vessels over 10 metres in length was restricted in 1999 to those that had fulfilled a requisite track record. There have been longstanding complaints that the required track record was set too low and the potential remains for vessels that do not currently fish for scallops, but hold a scallop entitlement, to begin targeting the fishery.

The issue of the removal of latent entitlements and the threats these vessels posed to the scallop stocks was explored by the Scottish Licensing Review Working Group. Views were sought on the removal of latent entitlements in a consultation earlier this year. Measures proposed and taken following this consultation will be informed by the outcome of that consultation.

Dredge Restriction

The Prohibition of Fishing for Scallops (Scotland) Order 2003 introduced regulations that aimed to control the effort expended in specified zones in Scottish waters by restricting the number of scallop dredges that could be used within these zones. These limits are:

- 8 dredges per side in the 0-6 nautical mile zone
- 10 dredges per side in the 6-12 nautical mile zone
- 14 dredges per side outside 12 nautical miles

There are concerns that dredge limits are often broken as ensuring compliance can be difficult. Dredge restrictions in themselves have also proved to be insufficient in adequately managing the effort expended in the fishery – as fishermen can increase the amount of time spent fishing. Static gear fishermen also report that vessels violating current dredge restriction rules are adding to gear conflict around the coast.

Minimum Landing Size (MLS)

The current MLS applicable to Scottish waters are specified through EU legislation. In the Irish Sea north of 52°30'N, the MLS is 110 mm, while in all other areas a MLS of 100 mm applies¹.

Effort Regime

Under the Western Waters effort regime (which applies to all UK waters except the North Sea), effort limits are put in place on vessels over 15 metres in length fishing for scallops². The total effort that UK vessels can expend are:

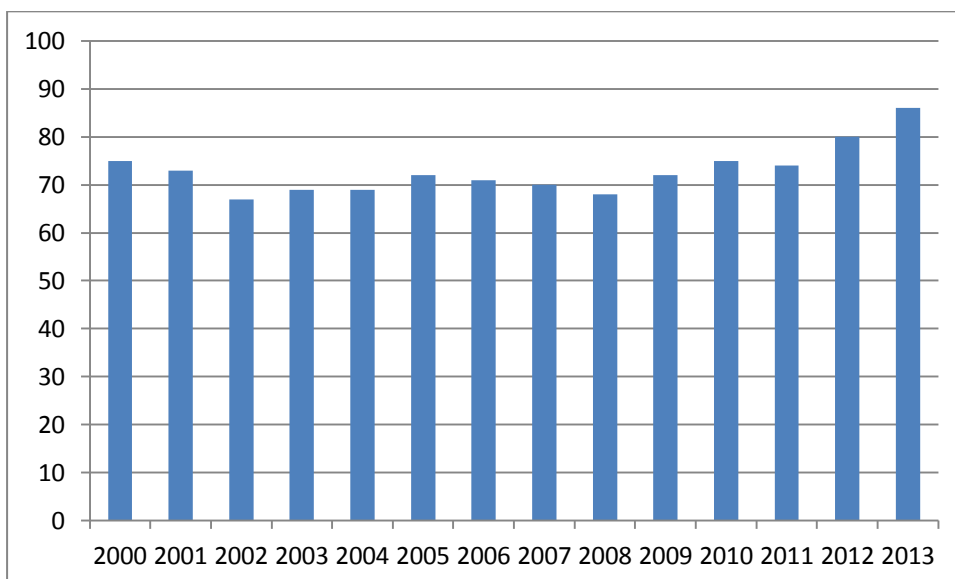
¹ Council Regulation (EC) No. 850/98

- 1,974,425 kW days for Sub-areas V and VI (the area to the west of Scotland)
- 3,315,619 kW days in area VII (roughly the Irish Sea, the Celtic Sea and English Channel).

Until recently, the Western Waters effort regime had not impacted on the fishing activity of vessels and consequently no active management measures were needed. However, since the turn of the decade, the effort limit assigned to area VII has restricted the activity of vessels in the area. The introduction of a days at sea regime in Area VII for vessels over 15 metres in length has resulted in displacement and an increase in the amount of fishing effort in the waters around Scotland. This is counter to advice from Marine Scotland Science - to cap fishing mortality or for fishing mortality to be reduced.

Recent Trends in Effort in the Scallop Fishery

Effort in the Scottish scallop fishery has been increasing in recent years. The graph below, shows the number of vessels prosecuting the scallop fishery in Scotland from 2000 to 2013. It shows that the number of vessels targeting the fishery remained fairly stable during the early part of the last decade, but increased from 2008 onwards.



Number of vessels with scallop entitlements targeting fishery, 2000 to 2013

² Council Regulation (EC) No. 1415/2

There has also been a recent increase in the effort expended by all UK vessels in Scottish waters. Annex A shows the effort expended by UK vessels in 2011 and 2012 and it can be seen that there is a clear increase in effort in 2012.

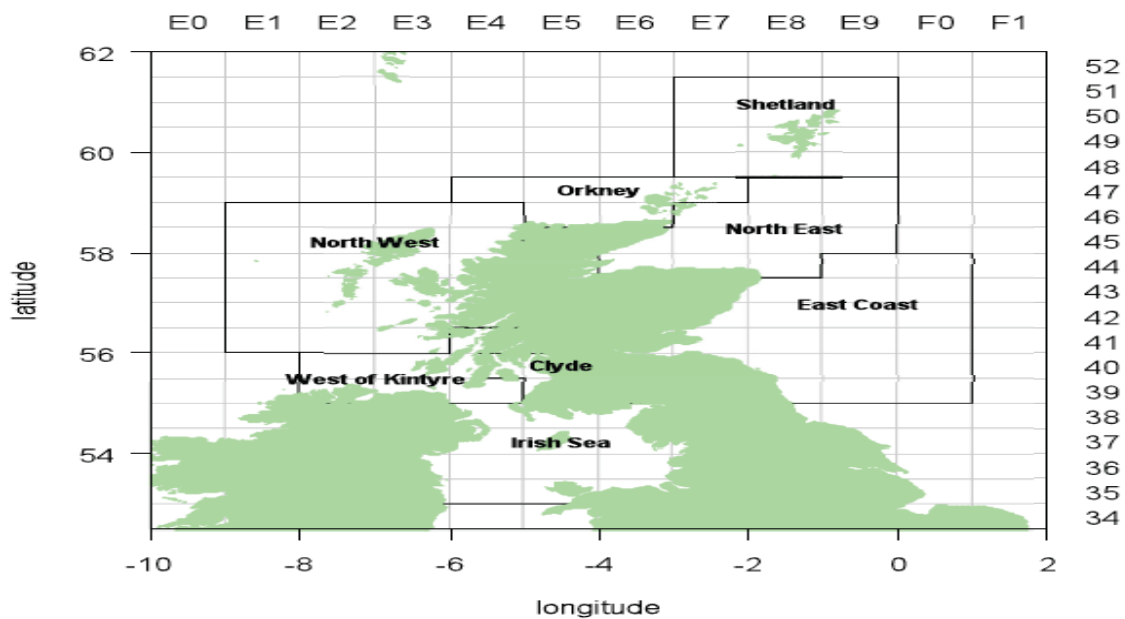
To summarise, therefore, in recent years there has been a trend towards:

- Increased landings in the fishery
- Additional vessels joining the fishery
- Increased fishing effort (in terms of kWdays) in Scottish waters

Health of Scottish Scallop Stocks

Regional scallop stock assessments are carried out by Marine Scotland Science. Full analytical assessments have been carried out for the West of Kintyre, the North West, the North East and Shetland areas (see map below) and an exploratory assessment is available for the East Coast. Information on the Clyde, Irish Sea and Orkney is limited to total landings data. The latest Marine Scotland stock assessment is available here:

<http://www.scotland.gov.uk/Resource/0041/00412344.pdf>.



Marine Scotland Science, Scallop Assessment Areas

Area	Stock Status (2012)	Current Advice (Dobby et al. 2012)	2005-2007 Stock Status (Anon 2010)
Clyde	No assessment	None specified	Not assessed
East Coast	Landings sporadic, no analytical assessment. Recent poor recruitment resulting in SSB (spawning stock biomass) declining (survey-based assessment)	None specified	Not assessed
Irish Sea	Not formally assessed	No increase in effort	Not assessed
North East	Stable SSB & recruitment, F (fishing mortality) above long-term average	No increase in F	Fluctuating SSB and recruitment
Shetland	Stable SSB & recruitment, F above long-term average	No increase in F	SSB and recruitment stable
North West	SSB & recruitment and catch stable but at a low level. F has declined	Consider increasing SSB, no increase in F	SSB and recruitment declining
Orkney	No assessment	None specified	Not assessed
West Kintyre	Stock 'reduced', high F	Reduce F, Increase SSB	SSB and recruitment declining

Marine Scotland Science, Summary of Scallop Assessment 2012

The table above summarises the latest stock assessment carried out by Marine Scotland Science in 2012, associated management advice and a summary of the assessment carried out in 2007. The health of scallop stocks around the Scottish coast varies between assessment areas. Although relatively stable in some areas there are others where spawning stock biomass has declined or remains at a low level.

Marine Scotland Science have suggested a range of measures that could help to control the fishing mortality in the fishery. Those listed included effort restrictions (through limits on kWdays or fleet size), spatial and temporal closures or limits on the quantity landed. These management measures could be implemented alone or in combination.

Marine Scotland Science also recommend that measures to increase the spawning stock biomass should be considered for both the West of Kintyre and the North West assessment areas.

Shetland

The Shetland Shellfish Management Organisation (SSMO) has, through a Regulating Order, put in place additional management measures for the scallop fishery within the six nautical mile zone around Shetland. These include:

- A limited entry fishery (vessels must have a permit issued by the SSMO)
- An overnight curfew
- A minimum landing size of 110 mm
- A dredge limit restriction of ten dredges in total
- Areas closed to scallop dredging

These and other management arrangements under the RO, including a log book scheme, have enabled the SSMO to gain Marine Stewardship Council (MSC) certification for the fishery.

The management measures proposed as part of this consultation would not supersede any of the regulations that have been put in place by the SSMO.

Consultation Proposals

The management proposals contained in this document are informed by the report *A Review of the Scottish Scallop Fishery* carried out by Poseidon Consultants. For this consultation, Marine Scotland has focused on four of the recommendations contained in the report in order to control the effort expended in the Scottish fishery and increase spawning stock biomass. Their aim is to underpin good management and promote the sustainability of the sector.

The four recommendations are:

- Increasing the minimum landing size of scallops
- Introducing new restrictions associated with the use of dredges
- Changes to licensing arrangements which restrict the upsizing of replacement vessels
- Placing restrictions on the time that vessels can spend at sea

Although these management proposals are informed by the Poseidon review, some variations to the recommendations contained within the report are also proposed in order to gain a greater understanding of stakeholder views. This is particularly true in relation to effort restrictions, where views are sought on the introduction of a limit on the number of days that vessels can spend fishing for scallops. This is in addition to the proposal in the Poseidon review regarding restrictions on the overnight fishing activity of vessels.

The recommendations of the Poseidon review were presented to the Inshore Fisheries Management and Conservation Group (IFMAC) and were warmly supported by those industry and environmental representatives in attendance. The measures in this document have also been informed by discussions with members of the scallop industry and the considerations of IFGs.

Proposal 1 - Increasing the Minimum Landing Size of Scallops

Poseidon Proposals

The aim of a minimum landing size (MLS) is to help prevent the landing of juvenile individuals and to allow at least some the opportunity to reproduce before being harvested. An increase in MLS should allow more individuals to reproduce before capture, potentially increasing long term yield and spawning stock biomass.

The Poseidon report recommended that as stocks around the Scottish coast appear to be in overall decline, the MLS of scallops landed should be increased on a Scotland wide basis (except for area VIIa where the current MLS is 110 mm).

As noted in the report, establishing a causal relationship between MLS and recruitment is difficult. There is however evidence from elsewhere around the British Isles that increasing MLS can be effective in maintaining a stable fishery even where fishing effort is relatively high.

Marine Scotland has previously consulted on increasing the minimum landing size of scallops landed into Scotland to 110 mm. Although this was supported by many (and indeed some representatives advocated a larger increase), there were others, particularly those involved in catching and processing scallops, who opposed an increase to 110 mm, principally for two key reasons:

1. They stated there were areas around the Scottish coast where few scallops reached 110 mm
2. An increase to 110 mm would have a significant impact on the profitability of scallop vessels – particularly in the short term – as they adjusted to the increased MLS.

As part of their review, Poseidon conducted an analysis of market sampling data collected by Marine Scotland Science in order to estimate what the impact of increasing the MLS of scallops to either 105 mm or 110 mm would have on scallop landings around the Scottish coast. These figures should not be taken as absolute values, but as comparative guide to the scale of the impact

Assessment Area	% of landings below 105 mm	% of landings below 110 mm
Clyde	26%	57%
East Coast	0%	5%
Irish Sea	0%	0%
North East	0%	18%
North West	2%	19%
Orkney	0%	4%
Shetland	0%	3%
West of Kintyre	14%	41%
Total Landings	16%	41%

As can be seen from the above table, based on an analysis of market sampling data, an increase in MLS to 105 mm would have limited impact except in relation to the Clyde and West of Kintyre. However, the West of Kintyre has been identified by Marine Scotland Science as an area where spawning stock biomass should be increased.

Inshore Fisheries Groups – MLS Proposals

Inshore Fisheries Groups (IFGs) are non-statutory bodies whose aim is to improve the management of Scotland's inshore fisheries out to 6 nautical miles and to give commercial inshore fishermen a strong voice in wider marine management developments.

Proposals to increase the MLS of scallops have been developed by four of the IFGs set up around the Scottish coast.

The following IFGs have requested that, for their respective areas, the minimum landing size of scallops be increased:

IFG Area	Proposed increase in MLS
Outer Hebrides	105
Clyde	110 over a two year period
North West	110
Orkney	110

An alternative to a nationwide MLS increase would be to do so only in those IFG areas which have identified increasing minimum landing size as an objective for their area. In order to give as full a picture as possible, views will be sought on increasing MLS in line with requests from IFGs.

For both of these possible scenarios carriage restrictions would be introduced. This would mean that if a national option is chosen all scallops carried in Scottish waters would have to conform to the national MLS. If a regional MLS is introduced then carriage restrictions would conform to IFG boundaries.

Consultation Question 1 - Do you support increasing the MLS of scallops?

Consultation Question 2 - On what basis should the MLS be increased?

(a) 105 mm around the Scottish coast

(b) Should be increased in line with IFG requests

Proposal 2 – Changes to licensing arrangements which restrict the upsizing of replacement vessels

In order to try to manage the effort expended in the fishery a recommendation of the Poseidon review is to try to limit the number and power of individual vessels in the fishery in two ways:

1. Removing latent scallop entitlements in line with the recommendations of the Scottish Licensing Review Working Group
2. Capping the upsizing of vessels involved in the Scottish scallop fishery

The first of these recommendations, the removal of latent entitlements, was considered in the consultation on the Review of the Scottish Licensing Review Working Group and a decision on the outcome of that consultation is due to be announced and will inform decisions taken following this consultation.

The second recommendation, capping the upsizing of existing vessels, relates to the replacement of vessels in the Scottish scallop fleet. The intention here is that any replacement scallop vessel must have the same engine size as those currently involved in the fishery.

Consultation Question 3 - Do you support restricting the upsizing of vessels currently involved in the scallop fishery?

Proposal 3 - Introducing new restrictions associated with the use of dredges

Over time, the number of scallop dredges that vessels can use has increased as the general size and power of vessels has grown. This has intensified scallop effort by allowing vessels to cover a greater area in a single tow. In order to counter this, dredge per side limits have been introduced to help control effort in the fishery. Current Scottish dredge limits and those in force in other parts of the British Isles are shown in the table below.

zone (n. miles)	Scotland	England	Wales	Northern Ireland	Isle of Man
0-1	8 per side	8 per side	banned	6 per side	25 feet total width
1-3	8 per side	8 per side	3 per side	6 per side	
3-6	8 per side	8 per side	4 per side	6 per side	40 feet total 8 per side
6-12	10 per side	8 per side	7 per side	6 per side	
12+	14 per side	no limits	no limits	no limits	n/a

The existing Scottish legislation surrounding dredge limitations was introduced with The Prohibition of Fishing for Scallops (Scotland) Order 2003. Since that time other administrations have tightened their restrictions on the number of dredges that can be used and Scotland now has the least restrictive arrangements within its 12

nautical mile zone. Scotland also stands apart in that dredge numbers are restricted in the area outside 12 nautical miles to 14 per side.

The Poseidon report recommends that a bar length restriction be introduced within 12 nautical miles of the coast. This would:

- Help reduce fishing effort in the 6-12 nautical mile zone
- Aid enforcement – a criticism of the current regime is that vessels frequently flout the existing arrangements and exceed the number of dredges permitted

A single dredge length restriction based on 8 dredges per side within the 12 nautical mile zone would facilitate enforcement and help to control the effort expended in the 6-12 nautical mile zone.

The Poseidon report also recommends lifting the current dredge restrictions outside 12 nautical miles. Currently vessels are limited to carrying 14 dredges per side outside 12 nautical miles in Scottish waters. Though this may result in an increase in fishing effort in this zone and potentially result in greater fishing mortality, it is recommended on the basis that this would place Scotland on the same basis as the rest of the United Kingdom and Crown Dependencies and compensate larger vessels for new restrictions in the 0-12 nautical mile zone.

We are aware that should consensus be reached on removing the restrictions outside 12 nautical miles, Marine Scotland would have to consider its statutory obligations under requirements of the Environmental Assessment (Scotland) Act 2005, prior to progressing this proposal.

Consultation Question 4 - Do you support the introduction of a single bar length restriction within 12 nautical miles capable of carrying 8 dredges per side?

Consultation Question 5 - Do you support the lifting of dredge number restrictions outside 12 nautical miles?

Proposal 4 - Placing restrictions on effort of vessels

There has been an overall increase in the effort expended in Scottish waters in recent years. This overall increase in effort is exacerbating the situation in Scotland, where the advice from Marine Scotland Science (for areas assessed) is either for fishing mortality to be cut or for no increase in fishing effort.

Overnight Curfew

The Poseidon Report recommends that an overnight curfew is introduced in the 0-6 nautical mile zone. The 0-6 nautical mile zone is identified as the area most in need of protection as it has the highest level of fishing effort and exhibits the greatest variety of habitats and comparatively greater biodiversity compared to offshore areas.

The importance of the 0-6 nautical mile zone relative to the 6-12 nautical mile zone is highlighted in the table below, which shows where the majority of catches are taken from around the coast:

Area	0-6 miles	6-12 miles
South East IFG	34%	66%
Moray Firth IFG	100%	0%
North West IFG	100%	0%
Small Isles & Mull IFG	93%	7%
Clyde IFG	99%	1%
Outer Hebrides IFG	100%	0%
North Coast non-IFG	43%	57%
East Coast non-IFG	10%	90%
Orkney non-IFG	14%	86%
All Areas	81%	19%

The Poseidon report identifies the following benefits from an overnight restriction:

- Help to limit effort in the inshore zone
- Restricting activity at night may help reduce gear conflict
- Improved safety & working hours for crews
- Aid enforcement - landings occur within specified times

Overnight curfews are already in force in Shetland and other parts of the British Isles, the principle is well understood and enforcement is relatively simple. The details may vary seasonally and some flexibility could be agreed in the case of tide-limited harbours.

Days at Sea Restriction

An alternative to an overnight restriction could be the creation of a days at sea regime for the Scottish scallop fleet. This could help to achieve the aim of capping the effort of vessels in the fishery.

A days at sea regime could bring the following benefits:

- A days at sea regime is widely understood within the industry
- It is more flexible than an overnight curfew
- The number of days allocated to vessels can be amended as conditions dictate

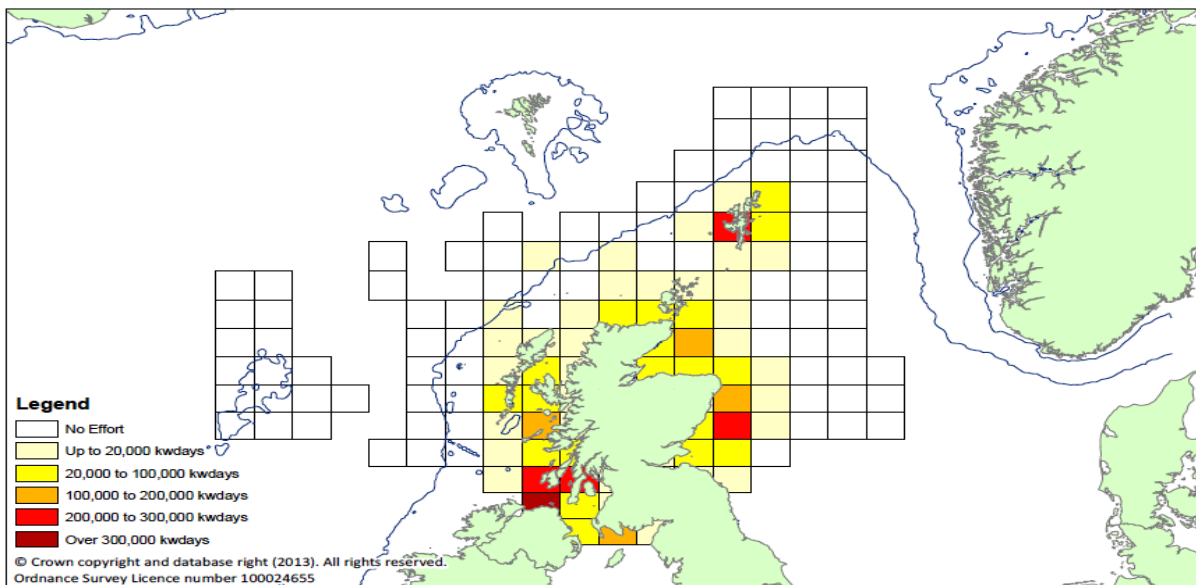
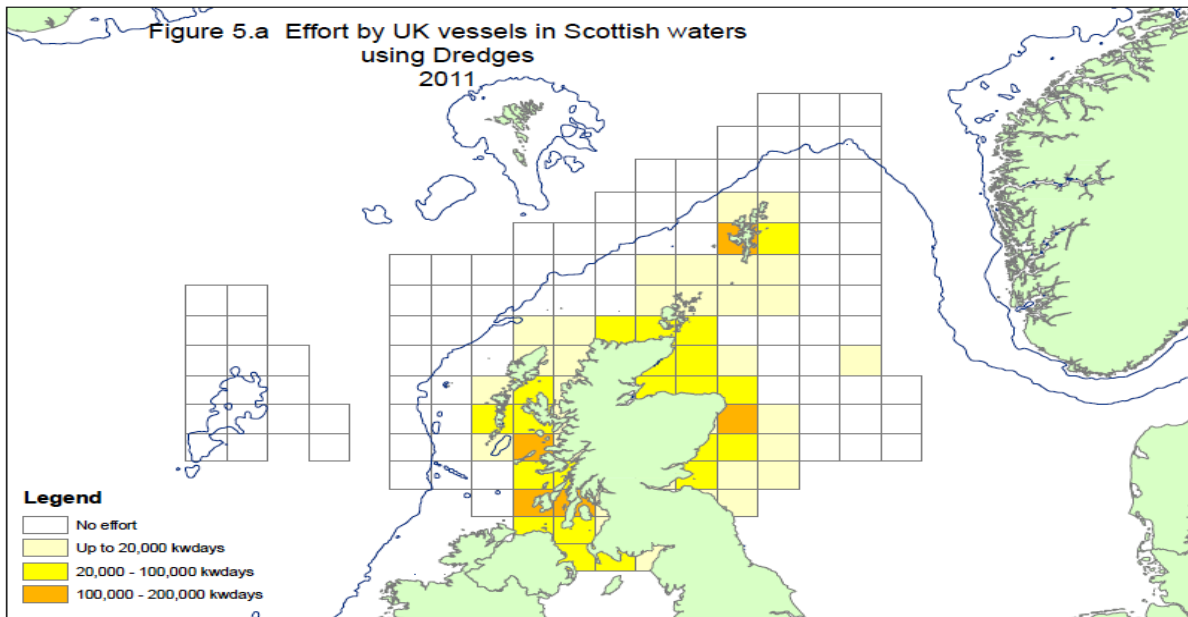
Consultation Question 6 - Do you think that the length of time that scallop vessels spend at sea should be restricted?

Consultation Question 7 - Should any restriction be introduced on the basis of:

(a) An overnight restriction? Or

(b) A day at sea regime

Annex A – Effort uptake by UK vessels in Scottish Waters, 2011 and 2012



UK fishing effort by dredge in Scottish Waters in 2011 (top) and 2012 (bottom)

Consultation on new controls in the Scottish King Scallop Fishery 2014

Respondent Information Form

Please **Note** this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Title Mr Ms Mrs Miss Dr Please tick as appropriate

Surname

Forename

2. Postal Address

<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
Postcode	Phone	Email

3. Permissions – I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick **ONE** of the following boxes

Yes, make my response, name and address all available

Or

Yes, make my response available, but not my name and address

Or

Yes, make my response and name available, but not my address

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate

Yes No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes No

CONSULTATION QUESTIONS

4.1 Do you support increasing the MLS of scallops?

4.2 On what basis should the MLS be increased?

(a) 105 around the Scottish coast

(b) Should be increased in line with IFG requests

5.1 Do you support restricting the upsizing of vessels currently involved in the scallop fishery?

6.1 Do you support the introduction of a single bar length restriction within 12 nautical miles capable of carrying 8 dredges per side?

6.2 Do you support the lifting of dredge number restrictions outside 12 nautical miles?

7.1 Do you think that the length of time that scallop vessels spend at sea should be restricted?

7.2 Should any restriction be introduced on the basis of:

(a) An overnight restriction?

7.3 A day at sea regime?



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