

EXECUTIVE NOTE

The Inshore Fishing (Prohibition of Fishing for Cockles) (Scotland) (No 3) Order 2006 SSI/2006/487

This instrument was made in exercise of the powers conferred by Section 1 of the Inshore Fishing (Scotland) Act 1984 (“the 1984 Act”). The instrument is subject to negative resolution procedure.

Policy Objectives

The purpose of this instrument is to revoke the prohibitions on the fishing for cockles imposed by the Inshore Fishing (Prohibition of Fishing for Cockles) (Scotland) (No 2) Order 2006 as applying within the area covered by the Solway Firth Regulated Fishery (Scotland) Order 2006 (“Regulating Order”), while re-enacting the prohibition on fishing for cockles from or by means of any vehicle elsewhere in Scottish inshore waters. The overall policy aim is to ensure that the Solway cockle fishery (“the fishery”) is viable and sustainable in a long term basis.

The Regulating Order came into force on 13 March 2006. This enabled the fishery to be open to licence holders under the Regulating Order for a short period during the spring. It was subsequently closed to allow until the cockle reproduction cycle to take place. Despite the fishery being closed there continued to be reports of fishing by hand pickers and by vessels and there were concerns about the possibility of a major impact on the stocks and in turn the viability of the fishery. Illegal fishing was and remains a danger to the lives of those involved. In response to this the Inshore Fishing (Prohibition of Fishing for Cockles) (Scotland) (No 2) Order 2006 was made to allow the Scottish Fisheries Protection Agency (the SFPA) to become involved in enforcement of the Fishery.

It was always intended that the Inshore Fishing (Prohibition of Fishing for Cockles) (Scotland) (No 2) Order would be a temporary arrangement and this was recognised in the Executive Note to that Order, the reason being that permanent provisions enabling the SFPA to enforce all Regulating Order fisheries were being made using the Police, Public Order and

Criminal Justice (Scotland) Bill 2006. The relevant provisions of the Police, Public Order and Criminal Justice (Scotland) Act 2006 duly came into force on 1 September 2006, resulting in the provisions of the Inshore Fishing (Prohibition of Fishing for Cockles) (Scotland) (No 2) Order no being longer required

Consultation

The following bodies have been consulted during the preparation of the Instrument, in accordance with the requirements of section 1 of the 1984 Act: Scottish Natural Heritage, the Solway Shellfish Management Association; Scottish Enterprise; Dumfries and Galloway Council; the Scottish Fishermen's Federation; the Crown Estate; Cumbria Sea Fisheries Committee; Dumfries and Galloway Police; the Scottish Fisheries Protection Agency; the Health and Safety Executive; the Marine and Coastguard Agency and the Royal Society for the Protection of Birds.

Financial Effects

The instrument has no financial effects on the Scottish Executive, local government or on business.

Scottish Executive Environmental and Rural Affairs Department

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