

EXECUTIVE NOTE

THE SCALLOPS (LUCE BAY) (PROHIBITION OF FISHING) ORDER 2010

SSI 2010/375

1. This instrument was made in exercise of the powers conferred by section 5 (1) and 15 (3) of the Sea Fish (Conservation) Act 1967(a). The instrument is subject to negative resolution procedure.

Policy Objectives

2. The purpose of the instrument is to extend to Luce Bay from 1 November 2010 until 28 February 2011 the seasonal prohibition on scallop dredging which is imposed by The Scallops (Irish Sea) (Prohibition of Fishing) Order 1984.

3 Luce Bay had been designated as a Special Area of Conservation (SAC) under the EC Habitats Directive and there is a requirement on Scottish Ministers to protect the site. The making by the Isle of Man Government of a bye – law to restrict scallop fishing in the Isle Man 3 – 12 nm zone with effect from 1 November 2010 raises serious concerns about displacement of scallop fishing effort to Luce Bay and, therefore, the ability to protect the site. In recognition of those concerns, this instrument will enable Scottish Ministers to ensure, so far as possible, that Luce Bay SAC is protected while further consideration is given to the appropriate level of scallop fishing management in the site in the longer term.

Consultation

4. The fact that the IOM Government's intentions were confirmed only very recently means that there was no time for formal consultation on the instrument. It has been possible, however, to discuss the instrument and its effect with key Scottish fishing industry representatives and to elicit their support. More generally, steps are also being taken to ensure that those on whom the instrument will impact will be made aware of the measure. Any necessary Marine Scotland Compliance activity in association with the measure will take account of the timing of the instrument being made.

Financial Effects

5. The short duration of this instrument means that it will have minimal, adverse economic impact.

Marine Scotland
Scottish Government
1 November 2010