

POLICY NOTE

THE OUTER HEBRIDES (LANDING OF CRABS AND LOBSTERS) ORDER 2015

SSI 2015/183

The above instrument was made in exercise of the powers conferred by sections 1(1), (4) and (6), 6(1) and (3) and 20(1) of the Sea Fish (Conservation) Act 1967. The instrument is subject to negative procedure.

Policy Objectives

The purpose of the instrument is to help improve the sustainability of crab and lobster fisheries in, and in the inshore waters surrounding, the Outer Hebrides.

The instrument amends the Undersized Velvet Crabs Order 1989, the Undersized Edible Crabs (Scotland) Order 2000 and the Undersized Lobsters (Scotland) Order 2000 so as to prescribe the following measures to restrict the landing of edible crab, velvet crab and lobster in the Outer Hebrides.

- The minimum landing size (MLS) of edible crab will be increased from 140 mm to 150 mm
- The MLS of velvet crab will be increased from 65 mm to 70 mm
- The MLS of lobster will be increased from 87 mm to 88 mm for one year and then 90 mm thereafter

The instrument will also prescribe a maximum size of 145 mm for the landing of female lobster in the Outer Hebrides, and prohibit the landing in Scotland of “crippled” female lobster caught in those parts of Scottish inshore waters which surround the islands of the Outer Hebrides (from 0-6 nautical miles from the coast).

These measures will apply only to landings from Scottish or other British fishing boats.

Since these are technical conservation measures, Article 46 of Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms applies. The European Commission has been informed timeously in accordance with this article and no objections have been raised.

Stock Assessment

Marine Scotland Science assesses Scotland’s fish stocks using F_{MSY} . F_{MSY} is the fishing mortality consistent with the largest average yield that can continuously be taken from a stock under prevailing environmental conditions.

F_{MSY} can be difficult to estimate, and proxies to it are often used. As it is not possible to directly estimate the maximum sustainable yield (MSY) for these stocks, F_{MAX} (the fishing mortality rate that maximizes yield per recruit) is used as a proxy to F_{MSY} for these stocks.

The edible crab, velvet crab and lobster stocks in the Outer Hebrides are currently assessed to be fished at levels close to or above the F_{MSY} proxy. When a stock is fished above F_{MSY} , the

scientific advice is that a higher yield and biomass in the long term could potentially be obtained from the stock by introducing measures to reduce the level of fishing mortality (effort).

Inshore Fisheries Groups

These measures were developed and proposed by the Outer Hebrides Inshore Fisheries Group (IFG), with the intention of helping to improve the sustainability of these fisheries through the regulation of harvesting controls.

Six IFGs have been established around the Scottish coast. They are non-statutory bodies that aim to improve the management of Scotland's inshore fisheries through putting commercial fishermen at the heart of local fisheries management, and providing fishermen with a strong voice in marine management and regional marine planning matters.

The Outer Hebrides IFG has a Management Plan which contains initiatives on how local fisheries management can be developed in their respective area. This was written with assistance by an advisory group of stakeholders, including Government Agencies and other organisations with an interest in the marine environment.

As part of Marine Scotland's Inshore Fisheries Strategy, the Scottish Government seeks to support the Outer Hebrides IFG through assisting in the implementation of the measures contained within its Management Plan.

Consultation

The Outer Hebrides IFG membership has discussed and agreed the broad basis of these measures for inclusion in its Management Plan over a period of several years. The IFG approached Marine Scotland in early 2014 to request a formal consultation take place.

A consultation on the proposed measures was held from 4 July 2014 to 29 August 2014. Responses to the consultation were received from the following organisations:

- Comhairle nan Eilean Siar (Western Isles Council)
- Mallaig and North-West Fishermen's Association
- Outer Hebrides Inshore Fisheries Group
- Shetland Shellfish Management Organisation
- Western Isles Fishermen's Association

All five respondents were in favour of the consultation's proposals.

Impact Assessments

This instrument – which prescribes measures to restrict the landing sizes of edible crab, velvet crab and lobster in the Outer Hebrides, and the landing in Scotland of “crippled” female lobsters caught in inshore waters surrounding the Outer Hebrides – has no effect on any equality issues.

The Cabinet Secretary for Rural Affairs, Food and the Environment confirms that no Business and Regulatory Impact Assessment is necessary due to the extensive consultation that has already taken place on the measures.

Scottish Government

Marine Scotland

April 2015