



Law Society
of Scotland

Consultation response

Scotland's Future Catching Policy

June 2022



Introduction

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Marine Law Sub-committee welcomes the opportunity to respond to Scottish Government's consultation on *Scotland's Future Catching Policy*¹. We do not seek to answer the consultation questions but have the following comments to put forward for consideration.

General comments

It is important to recognise that the approach followed in terms of fish catching policy is likely to affect other areas of shipping and we suggest that this merits careful consideration. It is important to consider the policy in a holistic manner. For example, the consultation considers string-length (for example, see question 10) – the approach taken to this may have knock-on impacts on those anchoring or shipping in any particular area as we understand strings are not marked in visual range. In addition, we consider that there is the potential for conflicts to arise between static and mobile gear which merit further consideration in the context of this policy – there have been recent legal challenges in this area².

The most significant practical impacts of these proposals will be on this operating in the fishing industry, and it is important that industry is fully consulted so as to be able to assess the impacts of the proposals, particularly the extent of any modifications and/or staff training likely to be necessary to implement any changes in policy.

In relation to processes (pages 17-19 of the consultation document), we welcome the proposed stakeholder engagement and consultation which will be crucial in implementing a workable catching policy. We note that the proposed annual process for consultation and introduction of secondary legislation by SSI could be onerous and we suggest detailed arrangements are kept under review as new arrangements bed-in.

¹ <https://consult.gov.scot/marine-scotland/future-catching-policy/>

² For example, see Reclaiming motion in the petition of *The Scottish Creel Fishermen's Federation v The Scottish Ministers* [2021] CSIH 68



For further information, please contact:

Alison McNab

Policy Team

Law Society of Scotland

DD: 0131 476 8109

alisonmcnab@lawscot.org.uk