



Law Society  
of Scotland

# Consultation Response

Improving inshore fisheries data: consultation on requiring electronic tracking and monitoring technology on under 12 metre commercial fishing vessels

7 November 2023



## Introduction

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The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful, and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Marine Law sub-committee welcomes the opportunity to consider and respond to the Scottish Government's consultation on improving inshore fisheries data by requiring electronic tracking and monitoring technology on under 12 metre commercial fishing vessels.<sup>1</sup> The sub-committee has the following comments to put forward for consideration.

## Questions

**1. What is your opinion on the proposal to require a tracking device on all under 12 metre commercial fishing vessels transiting or fishing within the Scottish zone, and Scottish registered under 12 metre fishing vessels wherever they operate?**

### Don't know

We note the proposals and policy intentions as detailed in the Consultation Paper,<sup>2</sup> in relation to both vessel tracking devices and REM systems.

We would highlight that the discussion in relation to the implementation of the proposals is vague and would welcome clarity on the Scottish Government's plans for how these will be brought into effect. We note the discussion at paragraph 28 of the Consultation Paper regarding the potential use of licence conditions being introduced prior to legislation being laid in the Scottish Parliament. We highlight the importance of the proposed approach being clarified and communicated to those in the industry as early as possible to allow for necessary planning and preparation.

We note the Scottish Government's intention to contribute to the cost of purchasing the first tracking device or REM system, subject to budgetary constraints, as detailed at paragraph 27 of the Consultation Paper. Additional information and clarity on this would be welcomed. For example, regarding the level of contribution envisaged and parameters of the financial support, including whether the provision of funding will be subject to any specific conditions, restrictions, or requirements. We also note that such financial support being made available is a policy "intention", rather than a firm commitment or guarantee. We would similarly highlight the need for clear communication with affected stakeholders and a sufficient lead-in time once the detail of the

<sup>1</sup> [Improving inshore fisheries data: consultation on requiring electronic tracking and monitoring technology on under 12 metre commercial fishing vessels](#)

<sup>2</sup> Accessible [here](#).

support is clarified to allow for industry preparation – particularly if this policy intention is materially revised or the intention to provide funding is withdrawn altogether. As noted above, if the intended approach is for such requirements to be included by way of a licence condition, the detail of the funding regime will need to be clarified in advance, with such funding made available without delay to ensure that licences can be obtained timeously.

More generally, it is important that there is clarity and certainty in the law in order that individuals and businesses can guide their conduct appropriately. Changes to the policy and legislative framework on this matter would merit an appropriate awareness-raising campaign so as to make individuals and businesses aware of the revised requirements and help support industry compliance.

**2. What is your opinion on the proposal that the use of vessel tracking devices on under 12 metre commercial fishing vessels should be complemented by the use of Remote Electronic Monitoring (REM) on a number of vessels?**

**Don't know**

Please see our response to question one, particularly as relevant to REM systems.

We also welcome the commitment to engage further with the Fisheries Management and Conservation Group and the Regional Inshore Fisheries Group network to identify the REM fleets – and would highlight the importance of robust stakeholder engagement.

**6. Are there any further vessel tracking matters relating specifically to inshore fishing that should be considered as part of this consultation?**

**Yes**

We consider that there would be merit in relevant data being shared with search and rescue authorities, e.g. HM Coastguard, in the interest of safety (where appropriate and with necessary safeguards). This could allow HM Coastguard to confidentially monitor the position of vessels which don't have Automatic Identification System (AIS) or choose to switch off their AIS for commercial reasons, which normally would provide a location to most other sea users.

**Questions 3, 4, 5, and 7**

We have no further comments.

**For further information, please contact:**

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