Consultation response

Scotland's Future Catching Policy

June 2022
Introduction

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Our Marine Law Sub-committee welcomes the opportunity to respond to Scottish Government’s consultation on Scotland’s Future Catching Policy. 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 area.

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.

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