

**Environment and Rural Development Committee****31st Meeting, 2006****Wednesday 8 November 2006**

The Committee will meet at 10.00 am in Committee Room 2.

1. **Budget process 2007-08 (in private):** The Committee will consider a draft report to the Finance Committee on the Executive's Draft Budget 2007-08.
2. **Aquaculture and Fisheries (Scotland) Bill (in private):** The Committee will consider the evidence received to date, in order to inform the drafting of its report on the Bill at Stage 1.

Not before 11:00 am

3. **Aquaculture and Fisheries (Scotland) Bill:** The Committee will take evidence at Stage 1 from—

Rhona Brankin MSP, Deputy Minister for Environment and Rural Development, David Dunkley, Head of Freshwater Fisheries Policy, Gordon Brown, Head of Freshwater Fisheries and Aquaculture Division, Dave Wyman, Head of Fish Health and Welfare Policy and Russell Hunter, Office of the Solicitor, Scottish Executive.

4. **Subordinate legislation:** The Committee will consider the following negative instruments—

the Inshore Fishing (Prohibition of Fishing for Cockles) (Scotland) (No. 3) Order 2006, (SSI 2006/487); and

the Sea Fishing (Northern Hake Stock) (Scotland) Order 2006, (SSI 2006/505).

Mark Brough
Clerk to the Committee
Direct Tel: 0131-348-5240

The following papers are attached:

<u>Agenda Item 1</u>	
Draft report [<i>Members only</i>]	ERD/S2/06/31/1a
Guidance from the Finance Committee	ERD/S2/06/31/1b
<u>Agenda Item 2</u>	
Paper from the clerk [<i>Members only</i>]	ERD/S2/06/31/2a
<u>Agenda Item 3</u>	
Paper from SPICe [<i>for Members only</i>]	ERD/S2/06/31/3a
Letter from the Scottish Executive regarding proposed amendments at Stage 2	ERD/S2/06/31/3b
<u>Agenda Item 4</u>	
The Inshore Fishing (Prohibition of Fishing for Cockles) (Scotland) (No. 3) Order 2006, (SSI 2006/487)	ERD/S2/06/31/4a
The Sea Fishing (Northern Hake Stock) (Scotland) Order 2006, (SSI 2006/505)	ERD/S2/06/31/4b

Budget Process 2007 – 08

Budget Guidance from Finance Committee to Subject Committees

Paper by the Finance Committee's Budget Adviser

1. The budget process this year is again a short one, because of the postponement of the Spending Review until 2007, there has been no Stage One.
2. Members will also be aware from the figures that this is the tightest budgetary context in this Parliament with spending growing by 2.4 % in real terms over 2006-7.
3. Therefore, there is no need for Committees to make recommendations for additional spending, but proposals to reorder priorities within portfolios would be considered.
4. The document also highlights changes in plans since last year, and Committee comments on these would be helpful.
5. This is the last budget in the current Parliament. The Finance Committee has put considerable effort into improving the quality of financial information in the document. Concerns remain over the Executive's 'objectives and targets' approach. It would be helpful if Committees could reflect on the usefulness of the financial and performance information to them, and suggest ways of improving the presentation of the budget in the next Parliament.
6. In addition, Committees may also feel able to reflect on spending priorities within their portfolios and recommend any programmes they feel need to be prioritised for the next Parliament.
7. Last year, Committees were asked for views on the Executive's Efficient Government Initiative. The Executive has recently published an Outturn Report for 2005-06 and the Finance Committee would be interested in any observations that subject committees may have on Efficient Government within their remit.
8. With these comments in mind, the Finance Committee would welcome responses on the undernoted key topics:
 - a) Is the Committee satisfied with the responses from Ministers to its recommendations for the 2006-7 budget?
 - b) Does the Committee wish to make any comments on the budgetary changes reported in the "New Resources" section?

- c) Does the Committee wish to recommend any transfers of funding between programmes within its portfolio, with an explanation for the proposal?
- d) Does the Committee have any proposals for improving the quality and relevance of financial and performance information in the Draft Budget which could be considered after the 2007 election?
- e) Does the Committee wish to make any recommendations in budget proposals to its successors in 2007? Is there any programme with a clear need for additional expenditure, or which members think is overfunded?

Professor Arthur Midwinter
September 2006

AQUACULTURE AND FISHERIES (SCOTLAND) BILL

CORRESPONDENCE FROM THE SCOTTISH EXECUTIVE, 3 NOVEMBER 2006

ANTICIPATED EXECUTIVE AMENDMENTS AT STAGE 2

At our evidence session on 27 September, I offered to inform the Committee of the amendments that the Executive might wish to lodge at Stage 2, once Ministers had approved them. I can now provide information about the expected Executive amendments, which I shall set out in three sections: **first**, amendments to the provisions of the Bill as introduced; **second**, amendments on the enforcement of “Regulating Orders”, following on from provisions in the recent Police, Public Order and Criminal Justice (Scotland) Act 2006; and **third**, the only area of new policy, administrative penalties for certain sea fisheries offences.

1 Amendments to the provisions of the Bill as introduced

There are nine potential amendments in this section as follows:

i Payments in respect of fish destroyed

The provisions in section 29 of the Bill apply only to fish and not to shellfish. This is an oversight and the Executive will therefore seek an amendment to section 29(1) such that payments can be made for shellfish destroyed under Scottish Ministers’ powers to do so in pursuit of disease control.

ii GS Payments

Section 19 of the Bill includes the ability to make payments for movement controls (due to the reference to 2ZA and 2ZB in new section 5F(1)). This does not reflect the general Scottish Executive policy not to make payments for consequential losses. The Executive therefore intends to bring forward an amendment such that the reference to 2ZA and 2ZB is removed.

iii Closure of fish passes

Section 16 of the Bill was intended to provide a power which, in the event of an outbreak of *Gyrodactylus salaris* would allow for the closure of fish passes in existing dams to prevent the upstream migration of fish. However, the mechanism chosen (an amendment to the Salmon and Freshwater Fisheries (Consolidation)(Scotland) Act 2003 “the 2003 Act”) meant that the power could be used for purposes other than tackling *Gyrodactylus salaris*. The Executive therefore intends to amend section 15 of the Bill (which inserts new section 5A into the Diseases of Fish Act 1937 “the 1937 Act”) on the construction of barriers to ensure this section applies also to the closure of fish passes. This would limit the power close fish passes to the purposes set out in inserted sections 5A(1)(a) and 5A(1)(b). Consequently, section 16 of the Bill would become redundant and the Executive plans to bring forward an amendment to delete section 16.

iv Subordinate Legislation Committee (SLC) - recommendation #1

The SLC, in considering the delegated powers in the Bill, indicated that there might be a need for consequential amendments to section 9 of the 1937 Act to reflect other amendments made by the Bill. The Executive agrees with the Committee's views and intends to introduce an amendment at Stage 2 to exclude the application of section 9(b) to orders made under new sections 2C(1) and (3)(a) and (c)(i) and (ii) and 5F of that Act.

v Subordinate Legislation Committee (SLC) - recommendation #2

The SLC also expressed concerns about section 35(1) of the Bill. The Committee observed that subsection (2) provides that the power in section 35(1) may be used to modify "any enactment" and asked the Executive if this provision could allow amendment to be made to the Bill itself. The Executive confirmed that it is not intended for the power to be used to amend the Act itself. However, the SLC has recommended to your Committee that any doubt should be removed and that the Bill should contain an express provision to the effect that that term does not include the Bill itself. The Executive will therefore bring forward an amendment to section 35(1) at Stage 2.

vi Appeals Mechanism for enforcement by Inspectors

The salmon farming industry have raised concerns that there is no provision for appeals against the enforcement notices specified in Part I of the Bill, in relation to sea lice control and containment of fish. The Scottish Executive agrees that some form of appeals mechanism would be appropriate and intends to bring forward an amendment to section 6 of the Bill to provide for this.

vii Information about fish farming and shellfish farming

Ministers have noted concerns raised by some industry stakeholders that section 31 on data collection appears to be a very wide power which could add to their costs in providing required information. It is Ministers' intention that this measure should help the fish farming and shellfish farming industries by strengthening the evidence base for policy decisions, in particular by putting the existing voluntary annual production survey on a statutory basis and informing the High Level Indicators as agreed by the Ministerial Working Group on Aquaculture. It is their intention that any information required would as far as possible be derived from existing sources and not require significant extra work on the part of companies. However, Ministers are open to revisiting the detail of this provision with a view to focusing it more closely on the information required.

viii Use of live vertebrates as bait

Paragraph 50 of the Policy Memorandum states that the enabling power to specify particular baits and lures (at section 25(5) of the Bill) for freshwater fish would be "considered in the first instance to implement the Executive's policy of prohibiting the

use of live vertebrates as bait throughout Scotland”. Some stakeholders have commented that this provision would be better on the face of the Bill. Ministers have an open mind as to whether this policy is better served through primary or secondary legislation and would be prepared to consider an amendment at Stage 2 to make the prohibition on the use of live vertebrates as bait explicit on the face of the Bill should the Committee recommend it.

ix Duty to consult

Some concerns were raised about the provision in section 27 of the Bill for Ministers to define “specified areas” by Statutory Instrument in relation to movement of farmed fish. Industry are concerned that their marine “farm management areas” be taken into account and seek reassurance that stakeholders will be consulted when Ministers come to draw up the specified areas. The Scottish Executive agrees that the existing farm management areas would make a logical basis for the specified areas. As a matter of good practice, the Scottish Ministers would anyway consult before introducing a Scottish Statutory Instrument. However, should the Committee recommend it, Ministers could bring forward an amendment to for section 27 to add explicit duty to consult, along the lines of that laid down in section 7(4) of the Bill (“such persons as they consider appropriate”).

2 Amendments to inshore fisheries legislation

Enforcement of regulating orders

The Executive wishes to bring forward amendments at stage 2 to supplement powers for the enforcement of orders made under section 1 of the Sea Fisheries (Shellfish) Act 1967 (so called “Regulating Orders”). The proposed amendments cover two particular areas: to raise the maximum fine level for an offence under a Regulating Order from a limit of £5,000 to a limit of £50,000 for the most serious of offences; and to improve the process for the revocation of licences under a Regulating Order to allow for the revocation of a licence by a grantee where the licence holder is convicted of one fisheries offence as opposed to two as at present.

To this end, the Executive issued a consultation paper on 23 October with a deadline for comments of Friday 29 December 2006. This will allow the Executive time to draft its amendment in advance of Stage 2, taking account of the consultation. I attach a copy of the current consultation letter at **Annex A** for the Committee’s information.

3 Amendments to introduce administrative penalties for certain sea fisheries offences.

The Executive also intends to lodge an amendment at stage 2 to enable an administrative fixed penalty scheme to be created for minor sea fisheries offences. The policy intent for this was published in July 2005 in the Executive’s document “A Sustainable Framework for Sea Fisheries” which set out our intention to explore the options for a wider system of administrative penalties as an alternative or complement to criminal prosecution. In addition, UK fisheries administrations

contributed to “Securing the Benefits” which was published in June 2005. This was their joint response to the Prime Minister’s Strategy Unit report “Net Benefits” which was published in March 2004. In their response the administrations stated that they were developing proposals for a greater use of penalties which do not automatically involve recourse to the courts. It also stated that any changes would need to take account of the different legal systems within the UK.

Furthermore, the European Commission reported on Member States’ behaviours which seriously infringed the rules of the Common Fisheries Policy in 2003 (COM (2005) 207 final). In its report the Commission recorded its view that administrative sanctions could be a very effective way to increase compliance with CFP rules. In February 2004, in responding to criticism for alleged failures in enforcement, the fisheries administrations in the UK informed the Commission that we were aware that responsive systems of administrative sanctions operated in other Member States and that we would look to see whether such systems might be appropriate in the UK. In doing so we were aware that current effort control arrangements (days at sea) on Cod recovery which link the benefit of additional days at sea to automatic licence suspensions were an example of this approach.

In light of this, Executive officials have been working closely with other fisheries administrations to develop a system of administrative penalties for fisheries offences over the last year. Executive officials wrote to industry in September 2005 seeking their views on the preliminary proposals. A series of meetings were held between October and December to discuss the issues raised with industry which were very productive and helpful. A 12 week consultation was carried out in the first quarter of 2006 on the revised proposals. A revised system has now been developed in light of the responses received for which we will require to seek a Stage 2 amendment, to grant an enabling power that gives Ministers the power to issue administrative penalties for minor offences. Drafting instructions have been developed and a draft amendment is currently being worked on. This Bill is the only opportunity for the foreseeable future to create an administrative penalty scheme for fisheries offences.

The draft amendment is yet to be completed, but it may help the Committee if I set out a detailed explanation of the policy and the likely provisions at **Annexes B and C**. A list of bodies consulted in the consultation referred to above is included at **Annex D**.

Finally, while these are all the Stage 2 amendments that the Executive envisages at present, it remains possible that there will be others. Circumstances may change, or issues may be raised during Stage 1 that require the Executive to consider further amendments at Stage 2. I will, of course, keep the Committee informed as early as possible to any further changes that the Executive plans.

DAVID FORD

Aquaculture and Fisheries (Scotland) Bill Team Leader

(Copies of this letter have been sent for information to the Clerks of the Subordinate Legislation Committee and the Finance Committee)

ANNEX A

Minister for Environment & Rural Development
Ross Finnie MSP

Pentland House
47 Robb's Loan
Edinburgh EH14 1TY

Telephone: 0845 774 1741
scottish.ministers@scotland.gsi.gov.uk
http://www.scotland.gov.uk

23 October 2006

Dear Colleague

CONSULTATION ON PROPOSED LEGISLATION TO IMPROVE REGULATING ORDER ENFORCEMENT

Effective local management through Regulating Orders is a means by which we can work towards a sustainable and viable inshore fishing industry. Given this, I am committed to ensuring that such orders are as effective as possible. Recently, I have taken steps using the Police, Public Order and Criminal Justice (Scotland) Act 2006 to enable the Scottish Fisheries Protection Agency (SFPA) to enforce Regulating Orders to provide for more effective enforcement of Regulating Orders. From 1 September 2006, when the Police, Public Order and Criminal Justice (Scotland) Act came into force either the grantee of a Regulating Order or the SFPA or both can enforce Regulating Orders.

Consideration is now being given to the possibility of making two further improvements to Regulating Order enforcement which it was not possible to do at the same time as the provisions under the Police, Public Order and Criminal Justice (Scotland) Act 2006. This letter seeks your views on these proposed improvements.

The attached consultation paper provides details of the proposals. They are to make it more straightforward for a Regulating Order grantee to revoke a licence and to increase the possible maximum fine which could be imposed in the case of an individual being found guilty of a fisheries offence in a Regulating Order area.

Depending on the responses to this consultation, the intention is to put forward finalised proposals at stage 2 of the Aquaculture and Fisheries Bill which is scheduled for January 2007.

ANNEX A

The consultation closes on Friday 29 December 2006. It is designed to provoke discussion and, if there is sufficient demand we will hold meetings locally to foster these discussions and to elicit comments. Details on how to submit your comments are set out in the attached consultation paper.

This is your chance to tell us what you think and your views will be fully considered in finalising our proposals. I look forward to receiving your response.

ROSS FINNIE

ANNEX A

CONSULTATION ON PROPOSED LEGISLATION TO IMPROVE POWERS TO ENFORCE REGULATING ORDERS

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 - 3.4 Current Enforcement Position
 4. General Policy Intention
 5. Proposed Options for Change
 - 5.1 Increasing Maximum Fine Levels
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 6. Conclusions and Next Steps
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| Annex | A.1 | The Scottish Executive Consultation Process |
| Annex A.2 | | Respondent Information Form [<i>stand alone sheet, not included here</i>] |
| Annex A.3 | | List of Consultees |

ANNEX A.1

1. Purpose

This document invites your comments on proposals for amending existing fisheries legislation to improve the enforcement of Regulating Orders (ROs) and, therefore, strengthen their impact and effectiveness as a local fisheries management tool. It sets out some background on the enforcement of ROs and explains why we are holding this consultation. It sets out two options for change.

Each option for change is followed by a question seeking your views. You do not have to answer the questions; we are equally happy to receive your responses in the form of a letter or email which covers issues of particular interest to you.

2. Process for Responding

2.1 Responding to this consultation

Please respond by Friday 29 December and be sure to include the Respondent Information Form attached at Annex B with your response.

Comments should be sent to:

Regulating Order Consultation
Inshore Fisheries Team
Scottish Executive
Room 510
Pentland House
47 Robb's Loan
Edinburgh
EH14 1TY

or to:

inshorefisheries@scotland.gsi.gov.uk

If you have any queries please contact Josie Swan on 0131 244 6383. Further information about the Scottish Executive consultation process is set out in Annex A.

2.2 Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the Respondent Information Form attached at Annex B as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, subject to the paragraph below and we will treat it accordingly.

All respondents should be aware that the Scottish Executive is subject to the provisions of the Freedom of Information Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

3. Background and Context

3.1 What is a Regulating Order?

Regulating Orders are made under section 1 of the Sea Fisheries (Shellfish) Act 1967 (“the 1967 Act”) to encourage the maintenance and regulation of local, natural shellfisheries through permits and other management measures.

Orders are granted to a particular person or body (referred to in this document as a “grantee”). They cover named species of shellfish within a specific area of inshore or tidal waters. ROs remain in force for a fixed period not normally exceeding 20 years. They enable the grantee of the RO, with the consent of Scottish Ministers, to impose restrictions and regulations in relation to the dredging, fishing for and taking of shellfish of specified kinds within the defined RO area. There should be clear linkage between stock assessment, the aims of the Order and the proposed regulatory measures. In effect, an RO grants management responsibility for a local shellfishery to the grantee and allows the grantee to issue licences, and/or impose the payment of tolls or royalties before fishermen may be granted access to the regulated fishery.

3.2 Context - Relationship between ROs and IFGs

The Strategic Framework for Inshore Fisheries was published in March 2005 and set out proposals for a network of Inshore Fisheries Groups (IFGs) around the Scottish coast and covering all Scottish inshore waters. The IFGs will be a new management framework that will place fishers at the heart of the decision-making process. They will develop local objectives which reflect local priorities and which are complimentary to high level national objectives. In developing these local objectives, where appropriate ROs will be one of the tools at the disposal of IFGs as a useful mechanism for regulating and managing local shellfisheries.

It is envisaged that ROs may be used to further the aims of the inshore strategy as a whole and of the aims of local groups in particular.

3.3 Current Regulating Orders

The only two existing ROs in Scotland are the Shetland RO, granted in 1999, and the Solway Regulating Order granted in 2006.

3.4 Current Enforcement Position

The purpose of enforcement of a RO is to ensure compliance with a regulatory system, itself designed to achieve stated local fishery management purposes. The

Scottish Executive Environment and Rural Affairs Department (SEERAD) had been aware for some time that, in Scotland, the 1967 Act provides insufficient enforcement powers in relation to ROs. To address this, improved enforcement powers have been made available to the SFPA and Regulating Order grantees. These new powers came into force on 1 September 2006 as part of provisions contained in the Police, Public Order and Criminal Justice (Scotland) Act 2006.

4. General Policy Intention

The policy intention is that these new proposals to improve the enforcement of ROs would build on the Police, Public Order and Criminal Justice (Scotland) Act 2006 provisions to further discourage illegal fishing and allow grantees to concentrate on developing the fishery. Ensuring closer compliance with ROs would allow for the improved, sustainable management of fisheries covered by these arrangements.

5. Proposed Options for Change

5.1 Increasing Maximum Fine Level

The first proposal is to increase the current maximum fine level for an offence under an RO from a maximum of £5000 to £50,000. The intention is to make the maximum fine level an effective deterrent to illegal fishing, particularly in Regulating Orders which have lucrative fisheries. The proposal reflects the potential gravity of the offences and would bring the maximum fine level into line with that available to breaches of quota and other fisheries offences.

QUESTION 1 : Is it your view that the current maximum fine level of up to £5000 should be increased for the most serious offences under an RO to up to £50,000?

5.2 Improving the Licence Revocation Process

The second proposal is to improve the process for the revocation of licences under a Regulating Order. Currently, licences can only be revoked if a licence holder is convicted of **two offences**, dies or hands the licence back or where there is a scientific case for reducing the number of licences.

The view is that this “two strikes and you are out” arrangement means that some licence holders are more likely to take the risk of fishing illegally as, even if they are caught and prosecuted, they will retain their licences.

The proposal is to amend the Sea Fisheries (Shellfish) Act 1967 to allow for the revocation of a licence by a grantee where the licence holder is convicted of **one** fisheries offence as opposed to two convictions required at present

QUESTION 2 : Is it your view that a RO licence should be revoked if a licence holder is convicted of one offence rather than two?

6. Conclusions and Next Steps

We welcome your comments on the issues raised in this paper. You can respond by writing a letter or sending an email to us with your comments by **Friday 29 December 2006** to either of the addresses set out at paragraph 2.1.

Please ensure that you include the Respondent Information Form at Annex B with your response and **thank you for taking the time to respond.**

Where you have given permission for your response to be made public (see the attached Respondent Information Form at Annex B), these will be made available to the public in the Scottish Executive Library by late January 2007. We will check all responses where agreement to publish has been given for any potentially defamatory material before logging them in the library or placing them on the website. You can make arrangements to view responses by contacting the SE Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

Following the closing date, all responses will be analysed and considered. We aim to issue a report on this consultation process by February 2007 .

If you have any comments about how this consultation exercise has been conducted, please send them to Josie Swan at either of the addresses at paragraph 2.1 above.

ANNEX A.3

LIST OF CONSULTEES (FOR REGULATING ORDER CONSULTATION)

Aberdeen City Council
Aberdeenshire Council
Aberdeen Fish Curers & Merchants
Aberdeen Fish Producers' Organisation Ltd
Aberdeen Fish Salesmen's Association Ltd
Aberdeen Inshore Fish selling co Ltd
Anglo Scottish Shellfishermen's Association
Anglo-Scottish Fish Producers' Organisation
Anglo- Scottish Fishermen's' Association
Angus Council
Annan Fishermen's Association
Arbroath Fishermen's Association Ltd
Argyll and Bute Council
Association of Scottish Shellfish Growers
Austen Brown
Berneray (North Uist) Fishermen Ltd
Brian Anderson, Acting Superintendent, Dumfries and Galloway Police
Caley Fisheries (Peterhead)
Carradale Fishermen Ltd
Clyde and South West Static Gear Association
Clyde Estuary Forum
Clyde Fishermen's Association
Community of Arran Seabed Trust (COAST)
Cockenzie & Port Seton Fishermen's Association
Comhairle Nan Eilean Siar
Convention of Scottish Local Authorities (COSLA)
Croan Seafoods Ltd
Crown Estate Office
Crown Office
DEFRA (Fisheries Directorate)
Denholm Fishselling Ltd (Edinburgh)
Don Fishing Company Ltd
Dumfries and Galloway Council
Dumfries and Galloway Police
East Coast Licensed Small Boats Association
East Lothian Council
Federation of Highland & Islands Fishermen
Fife Council
Fife Creel Fishermen's Association
Fife Fish Producers' Organisation Ltd
Fife Fishermen's Association
Fishermen's Association Ltd (FAL)
Fishermen's Fishselling
Fishermen's Mutual Association (Eyemouth) Ltd
Food Standards Agency

Fraserburgh Inshore Fishermen Ltd
Fraserburgh Trawlers
Galloway Static Gear Fishermen's Association
Grampian Sea Fishing Ltd
Hebridean Whale and Dolphin Trust
Herring Buyers' Association
Highlands and Islands Enterprise (HIE)
Highland Council
Highland Shellfish Management Organisation
Highlands & Islands Fishermen's Association
Hooktone
Kirkcudbright Scallop Gear
Live Shellfish Traders Association
Loch Linnhe Fishermen's Association
Lochcarron Community Council
Lunar Fishing Co
MacKinnons (Secretaries for SFPA)
Mallaig & North West Fishermen's Association
Mallaig Harbour Authority
Marine Conservation Society
Marine Laboratory
Moray Seafoods Ltd
Mousset M Michel
Mull and Iona Community Trust
Mull Aquaculture Fisheries Association
Mull Fishermen's Association
National Federation of Fishermen's Organisation
North Atlantic Fisheries College
North East of Scotland Fishermen's Organisation Ltd
North Sea Commission Fisheries Partnership
Northern Producer's Organisation Ltd
Orkney Creel Fishermen's Organisation
Orkney Fish Producers' Organisation
Orkney Islands Council
Ross of Mull and Iona Fishermen's Association
Royal Society for the Protection of Birds (RSPB)
Royal Society of Edinburgh
Scottish Association of Fish Producers' Organisations Ltd
Scottish Borders Council
Scottish Coastal Forum
Scottish Enterprise
Scottish Enterprise Dumfries and Galloway
Scottish Environment Link
Scottish Environment Protection Agency (SEPA)
Scottish Fishermen's Federation
Scottish Fishermen's Organisation Ltd
Scottish Fishing Services Association
Scottish Food and Drink Federation
Scottish Natural Heritage

Scottish Pelagic Fishermen's Association
Scottish Scallop Fishermen's' Association
Scottish Seafood Processors Federation (SSPF)
Scottish Shellfish Marketing Group Ltd
Scottish White Fish Producers Association
Sea Fish Industry Authority
Seafood Scotland
Secretary of State's Advisory Group on Sustainable Development
Scottish Fisheries Protection Agency (SFPA)
Shetland Fish Producers' Organisation Ltd
Shetland Fish Products Ltd
Shetland Fishermen's Association
Shetland Islands Council
Shetland Oceans Alliance
Shetland Shellfish Management Organisation
Skye and Lochalsh Fishermen's Association
Solway Firth Handgatherers & Tractor Dredgers Federation
Solway Firth Partnership
Solway Shellfish Association
Solway Shellfish Hand Operators Federation
Solway Shellfish Management Association
Stornoway fishermen's Co-operative Ltd
Tarbert- Argyll Fishermen Ltd
Ten Metre and Under Association
Ullapool and Assynt Fishermen's Association
West Coast Sea Products
West of Scotland Fish Producers' Organisation Ltd
West of Four Fisheries Management Group
Western Isles Fishermen's Association
Westray Processors Ltd (Shellfish)
Wigtown Fishermen's Association
World Wildlife Fund (WWF) Scotland
Youngs Bluecrest Seafood Ltd

All Fishery Offices
Scottish Parliament Information Centre (SPICe)
Environment and Rural Development Committee
Scottish Executive Library

ANNEX B

AN ADMINISTRATIVE SYSTEM FOR DEALING WITH FISHERIES OFFENCES – CURRENT POLICY POSITION

Introduction

1. Fisheries Administrations in the UK have been meeting on a regular basis for the past year to develop policy proposals on an administrative system for dealing with fisheries offences in the UK which takes into account differences within the legal systems.

2. In the first quarter of 2006 fisheries administrations held a 12 week consultation exercise to seek the views of stakeholders on a proposed system of financial administrative penalties (FAPs). This document details the current thinking in light of responses to the consultation and further discussions with other administrations.

Aims and Objectives

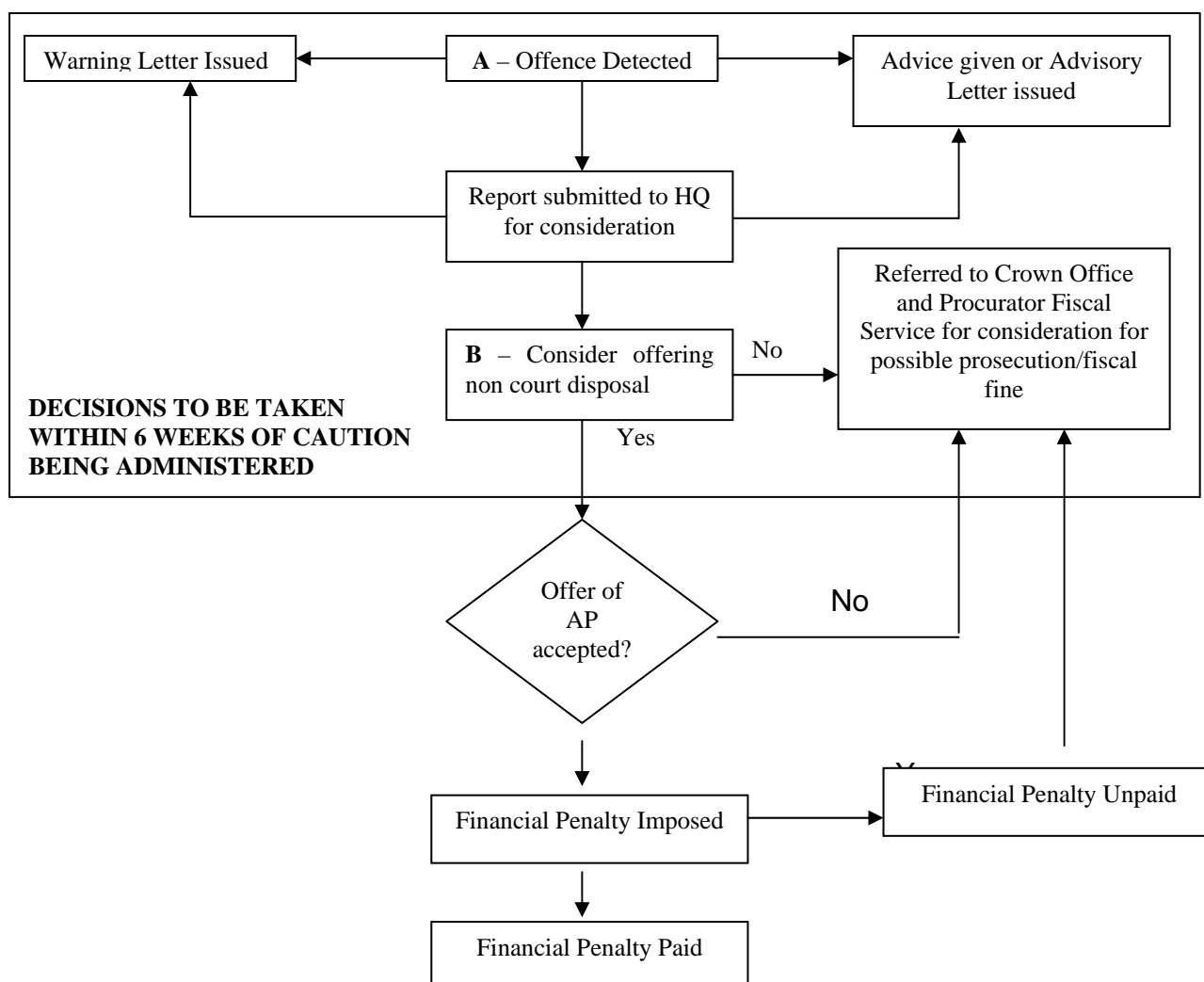
3. The main objectives for introducing a system of administrative sanctions are:

- to improve the effectiveness of sanctions and to provide greater deterrence;
- conserve vulnerable fish stocks and promote compliance;
- to divert fisheries offences from the court system where appropriate and so reduce uncertainty for fishermen and perhaps industry (legal) costs (by simplifying and reducing the timescales involved);
- to increase consistency and transparency;
- to protect those who observe the rules and hence protect the communities for whom fishing is an important part of the economic fabric.

4. The following factors were key to the development of policy proposals:

- Any system must be compliant with the European Convention of Human Rights (ECHR);
- Offenders must be allowed the right of appeal;
- the scheme should be applied as consistently as possible throughout the UK taking into account different legal systems within the UK;
- the system should be designed so that any sanction can be applied equally to both UK and foreign vessels where possible and taking into account different legal systems within the UK.

The Revised System



Stage A – Offence Detected

5. British Sea Fishery Officers at sea and ashore will continue to carry out their enforcement tasks as they currently do. If a breach is detected they will retain the discretion to determine at a local level whether advice, an advisory letter or warning letter is appropriate in discussions with their line manager. However, if they determine that the breach is serious enough to be referred to Enforcement Policy & Procedures Branch within SFPA HQ and they can provide evidence to the criminal standard then current enforcement procedures should be followed including the administration of a caution.

6. Warning letters will remain an option for British Sea Fishery Officers to use as part of enforcement activity. However, to deter persistent offending at the warning letter level the Executive proposes to introduce a limit of **one** warning letter a person,

partnership or company can receive for the same type of infringement. Types of offences are listed in detail at **Annex C** but can be summarised as:

- Net offences;
- Undersized fish offences;
- Recovery measure offences;
- Control order offences;
- Marketing standards offences.

Repeat offending beyond that level may result in a financial penalty being offered as an alternative to prosecution under the procedures set out above. Warning letters may only be considered for a period of 2 years from the date of the offence for the purposes of this scheme.

Stage B – Consider Offering Non-Court Disposal

7. On reviewing the evidence the SFPA's Enforcement Policy & Procedures Branch may take into account the following factors:

- Is there sufficient corroborated evidence to meet the criminal standard?
- Is there evidence of motive e.g. was this a technical breach or a suspected black landing?
- Does the proportion of the catch under suspicion/investigation include stocks judged to be at risk by the European Commission?
- What is the value of the proportion of the catch under suspicion/investigation?
- What is the potential financial gain?
- What is the volume of the catch?
- Were other breaches detected at the same time and are they of a similar type as laid out in Annex B?
- How many previous administrative penalties have been offered in the last 2 years for the same type of offence?

8. However, offences such as the failure to carry out an instruction from a BSFO, any form of obstructing a BSFO and physical or verbal assault of a BSFO will always be referred to the Crown Office and Procurator Fiscal Service for criminal prosecution. Equally, offences under a recovery plan which attracted an automatic licence suspension would not be considered again under this scheme.

9. When calculating the value of any part of the catch, the value will be determined by the previous week's average prices at the most appropriate market. This can include markets outside the UK if the vessel concerned routinely lands abroad.

10. UK domiciled person, partnership or company charged will be offered a financial administrative penalty for minor offences and given 28 days to decide whether to accept the penalty and pay or the case will be referred to the Crown Office and Procurator Fiscal Service (COPFS) for possible prosecution. However, summons cannot be served on the person, partnership or company charged if they are domiciled outside the UK. Therefore, we propose to give foreign domiciled person, partnership or company charged 7 days to consider whether to accept the offer of an

administrative penalty and detain the vessel for that period. If they decide not to accept the offer of an administrative penalty then the case will be fast tracked through the criminal courts as at present. The option to refuse the offer and plead not guilty will still be available. We believe this difference in treatment is objectively necessary due to differing circumstances compared to UK domicile persons and the difference in treatment is justified, reasonable and proportionate. Other administrations do not believe it is necessary in light of their legal advice to differentiate between UK and foreign domiciled person, partnership or company charged and will have not treat them differently.

11. The initial thinking was to develop a matrix for each individual offence which took into account the following factors:

- What is the value of the proportion of the catch under suspicion/investigation?
- What is the potential financial gain?
- What is the volume of the catch?
- How many previous administrative penalties have been offered in the last 2 years for the same type of offence?

However, when we examined the technical rules such as mesh size, twine thickness we found it difficult to place a financial value for the breach. We also believe that in order to achieve a consistency of approach for example, that two people in two different rooms reach the same decision then some form of a matrix would need to be developed for each offence in statute. Offences have been grouped into the following categories which are still to be rated according to their seriousness following further discussion with industry as described in paragraph 15:

- Net Offences
- Undersized Fish
- Control Order
- Marketing Standards
- Recovery Measures

12. Therefore, we propose that each category of offence should be rated according to the seriousness of them as a whole. There would be 3 levels of administrative penalty available but the starting level for each category would differ according to its rating. The list of categories and starting level of administrative penalty is shown below.

Category Level	First Administrative Penalty	Second Administrative Penalty	Third Administrative Penalty
4	Case will be referred to COPFS for consideration of fiscal fine	£500	Referred to COPFS
3	£500	£1000	Referred to COPFS
2	£1000	£2000	Referred to COPFS
1	£2000	Referred to	Referred to COPFS

	COPFS	
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13. For any offence an individual will receive a maximum of 2 administrative penalties with the starting level dependant on the category of the offence. A second offence within the same category would lead to a doubling up in value of the initial administrative penalty except for category 1 offences which will be referred to the Crown Office and Procurator Fiscal Service. A third breach within a consecutive two year period would mean the case was referred to the Crown Office and Procurator Fiscal Service.

14. An individual will only be able to receive one warning letter in any consecutive two year period for each of the categories listed at paragraph 15. If a second offence is detected within the two year period than an administrative penalty may be offered.

15. Multiple offences may be broken down, categorised and given individual administrative penalties at the discretion of staff within Enforcement Policy and Procedures Branch of the Scottish Fisheries Protection Agency.

Administration of Scheme

16. Once the decision has been made to offer an administrative penalty a penalty notice will be sent to the person, partnership or company charged which will detail the circumstances of the offence and the level of administrative penalty being offered. The person, partnership or company charged will have 28 days from the date of the penalty notice to decide whether to accept the offer of an administrative penalty and pay. We are currently looking at methods of payment but cash will be excluded and all monies will be collected at SFPA HQ.

17. If the administrative penalty is paid within the 28 days no criminal proceedings will be taken and no criminal conviction will be recorded in respect of the offence. If the penalty is not paid then the case will be referred to the Crown Office and Procurator Fiscal Service.

18. Associated IT developments will include a database of offences detected and sanctions applied which can be updated instantly on a UK basis. It will be accessed by British Sea Fishery Officers. If an individual is found not guilty in court then records of that particular case would be wiped from the database and would not count as a previous offence in future administrative penalty decisions. However, we intend to bring to the Sheriffs' attention the existence of the scheme so they can make an informed decision over whether to bear it in mind when sentencing. it would be preferable that fines given in court were above those of administrative penalties so as not to undermine the scheme.

Implementation

19. The proposed implementation date is 1 January 2008. Further discussion with other fisheries administrations, law colleagues and industry is required to ensure the smooth implementation of the scheme. A letter will be issued to industry to update

them on the revised proposals and to invite them to join an advisory group to assist with the implementation of the scheme. A further round of consultation will be carried out on the draft Scottish Statutory Instrument by summer 2007.

20. Previous offences prior to 1 April 2007 will not be considered when deciding on a rolling two year basis following implementation whether to offer an administrative penalty.

21. We propose to implement this scheme by an amendment to the Aquaculture and Fisheries (Scotland) Bill to introduce an enabling power to give the Scottish Ministers the power to issue fixed penalties for minor sea fisheries offences.

22. We will carry out a review of the scheme to ensure it is operating in a reasonable and proportionate manner to be completed within three years of the scheme being implemented.

Annex C
Type of Offences

Net Offences

EU Offence Code	Offence Code	Description
D1	ECGX	GEAR OFFENCES - OTHER
D1	ECGR	GILL NETS / PASSIVE GEAR - CARRIAGE / USE / LENGTH / MESH SIZE
D1	ECGD	ILLEGAL ATTACHMENT
D1	ECGE	ILLEGAL BOTTOM SIDE CHAFER
D4	ECCB	ILLEGAL BY-CATCH OF PROTECTED SPECIES WHEN FISHING WITH DREDGES
D1	ECGJ	ILLEGAL CHAFING PIECE
D1	ECGM	ILLEGAL ROUND STRAP
D1	ECGH	ILLEGAL STRENGTHENING BAG
D1	ECGF	ILLEGAL TOPSIDE CHAFER - TYPE A
D1	ECGG	ILLEGAL TOPSIDE CHAFER - TYPE B
D1	UKGA	SQUARE MESH PANEL - FAILURE TO USE SMP
D1	CODG	TWINE THICKNESS
D4	ECGB	MESH SIZE - REQUIRED % OF TARGET / PROTECTED SPECIES - TOWED GEAR

Undersized Fish Offences

EU Offence Code	Offence Code	Description
D6	UKAD	LANDING CRAB CLAWS
D6	ECCE	LANDING CUT OUT SCALLOPS
D4	UKAC	RETAINING BASS FROM BASS NURSERY AREA
D6	ECFA	UNDERSIZE FISH- RETAINED - STORED - OFFERED FOR SALE ETC.

Recovery Measure Offences

EU Offence Code	Offence Code	Description
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Code	Code	
D2	ECAN	CONTRAVENTION OF HAKE RECOVERY MEASURES
F1	CODR	FAILURE TO NOTIFY ENTRY ENTRY/EXIT IN CR AREA
D2	ECAM	ILLEGAL FISHING IN NORTH SEA (COD RECOVERY PLAN)
E3	ECXJ	INCORRECT / FAILURE TO GIVE LANDING NOTIFICATION
F1	CODS	NO PRIOR NOTIFICATION OF CATCH (ENTRY TO PORT - >1 TONNE)
F1	CODV	STOWAGE OF COD
F1	CODQ	UNAUTHORISED GEAR (CARRIAGE OR USE OF)

Control Order Offences

EU Code	Offence Code	Offence Code	Description
D4	ECCX		CATCH - OTHER OFFENCES (INC. QUOTA REG. BY-CATCH OFFENCES)
E1	CODU		EXCEEDING 8% LOGBOOK TOLERANCE
E1	ECLA		FAILURE TO CARRY LOG BOOK
E1	ECLC		FAILURE TO COMPLETE LANDING DECLARATION
E1	ECLB		FAILURE TO COMPLETE LOG BOOK
E2	ECSA		FAILURE TO MAINTAIN/HAVE ON BOARD A FULLY OPERATIONAL SATELLITE TRACKING DEVICE
B1	ECXC		FAILURE TO PRODUCE A FISHROOM PLAN / ULLAGE TABLES
C1	ECXD		FAILURE TO PRODUCE FISHING PERMIT / EU FISHING LICENCE
E2	ECSB		FAILURE TO PROVIDE POSITION REPORTS AT REQUIRED FREQUENCY
E1	ECLQ		FAILURE TO PROVIDE SALES NOTES
E1	ECLM		FAILURE TO RETURN A LANDING DECLARATION
E1	ECLL		FAILURE TO RETURN A LOG BOOK / LOG SHEET
D5	ECAX		FISHING IN RESTRICTED AREAS - OTHER OFFENCES
C1	UKCA		FISHING WITHOUT THE AUTHORITY OF A LICENCE
D5	ECAA		ILLEGAL FISHING IN BRITISH FISHERY LIMITS - ACCESS
D4	CODL		ILLEGAL FISHING IN RESTRICTED/CLOSED COD BOX
D5	ECEA		ILLEGAL FISHING WITHIN 12 MILE LIMIT BY BEAM TRAWLERS
D5	ECAB		ILLEGAL FISHING WITHIN 6 MILE LIMIT - DESIGNATION
D5	ECAD		ILLEGAL FISHING WITHIN MACKEREL BOX * SEE ECCA
E1	ECLJ		ILLEGAL LOG BOOK CHANGE

E1	ECLT	INACCURATE / FAILURE TO PROVIDE TRANSPORT DOCUMENTATION
E1	ECLF	INCORRECT / FAILURE TO RECORD CATCH LOCATION
E1	ECLE	INCORRECT / FAILURE TO RECORD SPECIES - LANDING DECLARATION
E1	ECLD	INCORRECT / FAILURE TO RECORD SPECIES - LOG BOOK (NOT COD DSS OR PEL)
E1	ECLP	INCORRECT / FAILURE TO RECORD WESTERN WATERS EFFORT
E3	ECXH	INCORRECT / FAILURE TO SEND 'HAILING IN REPORT'
E1	ECLN	LATE RETURN OF LOG BOOK
E1	ECLS	LATE SUBMISSION OF SALES NOTES
C1	UKCM	LICENCE CONDITION - HKE/MEG/ANF
E1	ECLX	LOG BOOK OFFENCES - OTHER
C1	UKCB	NON-CARRIAGE OF A VALID LICENCE
C1	UKCD	NON-CARRIAGE OF VALID REGISTRATION PAPERS
E3	UKCL	OFFENCE - LICENCE CONDITIONS - DESIGNATED PORTS
D5	UKCF	OFFENCE - LICENCE CONDITIONS (E.G. POTTING BOX)
C1	UKOX	OFFENCE - OTHER LICENSING OFFENCES
D4	UKCG	OFFENCE - UK QUOTA (INC. CLOSED FISHERY TO UK VESSELS)
D4	UKCH	OFFENCE - VESSEL QUOTA (OVER QUOTA CASES)
E2	ECSC	PROVISION OF FALSE INFORMATION TO FMC
D4	UKAC	RETAINING BASS FROM BASS NURSERY AREA
E3	ECUX	UNLICENSED FISHERY - OTHER OFFENCES

Marketing Standards Offences

EU Code	Offence Code	Offence Code	Description
			FAILURE TO CLEARLY AND INDELIBLY MARK ON A LABEL ATTACHED TO A LOT ITS FRESHNESS CATEGORY
			FAILURE TO CLEARLY AND INDELIBLY MARK SIZE, CATEGORY AND PRESENTATION ON A LABEL ATTACHED TO A LOT. NET WEIGHT TO BE CLEARLY AND LEGIBLY MARKED ON EACH LOT
			FAILURE TO SIZE BY WEIGHT OR BY NUMBER PER KG CEPHALOPODS, NORWAY LOBSTER AND SALTWATER FISH
			FAILURE TO GRADE CRABS, SCALLOPS, SHRIMPS OR WHELKS BY THE WIDTH OF

		THEIR SHELL
		FAILURE TO COMPLY WITH SPECIFIED MARKETING STANDARDS AND LABELLING REQUIREMENTS FOR CEPHALOPODS, SALTWATER FISH, SCALLOPS, SHELLFISH AND WHELKS COMING FROM 3 RD COUNTRIES
		FAILURE TO COMPLY WITH MARKETING STANDARDS IN REGULATION 104/2000 WHEN MARKETING CEPHALOPODS, SALTWATER FISH, SCALLOPS, SHELLFISH AND WHELKS
		FAILURE TO COMPLY WITH RELEVANT PRICE ARRANGEMENTS IN REGULATION 104/2000 WHEN MARKETING CEPHALOPODS, SALTWATER FISH, SCALLOPS, SHELLFISH AND WHELKS

Annex D

BODIES CONSULTED DURING ADMINISTRATIVE PENALTIES CONSULTATION

A A Kenny & Sons	C Shells
A Christie Jnr	Caie Brothers
A J Sutherland	Caley Fisheries
A Leiper & Sons	Caley Fisheries Ltd
A Thompson Jnr	Campbeltown Fish Market
Aberdeen Fish Curers & Merchants Assoc Ltd	Camus Mhor
Aberdeen Fish Market	Carradale Fishermen Ltd
Aberdeen Fish Producers Organisation Ltd	Castlefish
Aberdeen Fish Salesmen's Association Ltd	Catholic Parliamentary Office
Aberdeen Harbour Board	Cavaghan & Gray
Aberdeen Inshore Fishselling Co Ltd	Celtic Sea Ltd
Abfish Ltd	Charles & Caie
Action of Churches Together in Scotland	CKI Seafoods, Scotland
Alba Fish Ltd	Claymore Shellfish Ltd
Alex Spink	Cluny Fish Supplies
Alexander Buchan Ltd	Clyde and South West Static Gear Association
Alexander Duff	Clyde Fishermen's Association
Alexander Watt	Cockenzie & Port Seton Fishermen's Association
Amazon Seafoods Ltd	Cornish Fish Producers Organisation Ltd
Anderson Frozen Foods Ltd	Coupers
Andersons Shellfish	Cowie Seafoods Ltd
Andrew McDicken Ltd	Crab Processors' Association
Andy Race Fish Merchants	Crannog Ltd
Angel Bond Ltd	Croan Seafoods, Edinburgh
Anglo Scottish Fishermen's Assoc	Croan Seafoods, Peterhead
Anglo-Northern Irish Fish Producers Organisation Ltd	Crube International Ltd
Anglo-Scottish Fish Producers Organisation Ltd	D H Clark
Anglo-Scottish Shellfishermen's Assoc	D Nicol Jnr
Anna's Wholesale Fish Merchants	D Watt (Shetland) Ltd
Aquamart Seafoods Ltd	Daniels Sweet Herring Ltd
Aquascot Group Ltd	Dawnfresh Sea Foods Ltd
Arbroath Fish Buyers' Assoc	Deeside Marine
Arbroath Fishermen's Assoc. Ltd	Demlane Ltd
Ardencaple Oysters	Denholm Fishselling Ltd
Ardnamurchan Fishermen's Assoc.	Denholms Seafoods Ltd
Argofish	Deveron Shellfish
Arthur Stirton & Sons	Don Fishing Company Ltd
Associated British Ports	Don Loui/Firm Fillets
Avoch Fishermen's Co-op Ltd	Donald MacLennan
Ayr Wholesale Fish Buyers' Assoc	East Coast Licensed Small Boats Assoc.
Ballimore Estate	Eat Mair Fish
Bannerman Seafoods	Eddie & Forsyth
Barratlantic Ltd	Edward Anderson

Bell & Leslie	Euroscot Seafoods
Bellamy Seafoods Ltd	Evangelical Alliance (Scotland)
Berneray (North Uist) Fishermen Ltd	Eyemouth Fish Merchants
Border Laird Quality Foods	Faithlie Trawl (Fraserburgh)
British Marine Finfish Assoc	Fastnet Highlands
British Ports Association	Federation of Highlands & Islands Fishermen
British Retail Consortium	Isle of Mull Oysters
Buckie Fish Market	Isle of Ulva Oysters
Burgon (Eyemouth) Ltd	J & A Archer
Fencebay Fisheries	J & A Morrice
Fife Fish Producers Organisation Ltd	J Charles Ltd
Fife Fishermen's Assoc	J G Richards
Fish Producers Organisation Ltd	J H Milne Ltd
Fisher Foods Ltd	J Pieroni & Sons Ltd
Fishermen's Association Ltd	J Smith "Alert"
Fishsalesmen's Association (Scotland) Ltd	Jade Fish
Fleetwood Fish Producers Organisation Ltd	Jalfish
Frank Law	James Brander
Frank Lawson	James Montador Fish Merchant
Fraserburgh Fish Market	James Smith
Fraserburgh Harbour Trust	James Wood
Fraserburgh Inshore Fishermen Ltd	Jayville Ltd
Fraserburgh Seafoods Ltd	Jed Fish
Frasers	John Law Frozen Foods Ltd
French Fish Export Ltd	John Ross Jnr (Aberdeen Ltd)
Fresh Catch	Joseph Robertson Partnership Ltd
Fruit of The Sea Ltd	Keltic Seafayre (Scotland) Ltd
Fynefish Products Ltd	Ken Cassels Ltd
G & J Jack	Kilron Seafoods Ltd
G H Fish	Kinlochbervie Fish Market
G H Robertson Jnr	Kinlochbervie Fishselling Ltd
G W Summers	Kinlochbervie Harbour Office
Gar Fish	KMD Fish
GB Shellfish Producer	LAD Fish Exports
General Assembly Church of Scotland	Laeso Fish Ltd
George Downie	Landcatch Limited
George M Mackay	Lerwick Fish Market
George Noble	Lerwick Port Authority
Ghille & Glen Ltd	Live Shellfish Traders Assoc.
Glencoe Shellfish	Local Economic Development Services
Glenhornish Shellfish	Loch Eihort Mussel Centre
Glenisla Foods	Loch Fyne Marine Trust
GMR Fillets	Loch Fyne Oysters Ltd
Gourline	Loch Linnhe Fishermen's Assoc.
Gourmet's Choice Ltd	Lochleven Shellfish
Grampian Sea Fishing Ltd	Lunar Fishing Co
Grampian Seafoods	Lunar Freezing Ltd
Grampian Seafoods Ltd	Macduff Fish Market
H & H Fish	Macduff Shellfish (Scotland) Ltd
Hebridean Seafare	Mackay Brothers
Hebridean Seafoods Ltd	MBBS Export (Skye) Ltd

HEC Will	McCrae Foods
Herring Buyers' Association	McKenzie Reid & Co
Highland Council	McPhersons Atlantic Ltd
Highland Fish Processors	Orkney Seafayre
Highland & Islands Fishermen's Association	Orkney Shellfish
Highlands & Islands Enterprise	Osprey Trawlers Ltd
Highlands & Islands Fishermen's Assoc	Pacitti Foods Ltd
Hooktone Ltd	Pearson Seafoods
Hoy Fishermen's Association	Peterhead Fish Market
Iceberg Ltd	Peterhead Fish Traders' Assoc
IMT Marine Consultants Ltd	Peterhead Fishermen Ltd
Isle of Colonsay Oysters	Peterhead Harbour Trust
Isle of Harris Seafood	Pisces Frozen Foods
Mackinnons	Pittenweem Fish Market
MacMillan Foods	Prime Seafoods
MacRae Foods Ltd	Quality Counts
MacRae Gairloch	Quayside Quality Fish Supply
Mallaig & North West Fishermen's Assoc	R & M George
Mallaig Fish Market	R & R Melville
Mallaig Harbour Authority	R R Spink & Sons
Marine Harvest	R Turnbull & Sons
Marmic	Raven Rock Sea Products Ltd
Merchant & Reid Ltd	Ritchies of Rothesay
Mermaid Fish Supplies	Robert Henderson
Merson & Gerry Ltd	Ross of Mull and Iona Fishermen's Assoc
Moray Firth Fish Processors and	RR Spink & Sons (Arbroath) Ltd
Merchants Assoc Ltd	
Moray Seafoods Ltd	RSI MacDonald
Morco Fish Merchants	S Hutchison Wholesale Fish Merchant
Mr A Nuttall	Sage Seafoods
Mr A Ramsay	Sandy MacAllister Shellfish
Mr A Smith	SB Fish
Mr B Hughes	Scalloway Fish Market
Mr B Morris	Sco Fro Foods
Mr C Bowman	ScoBere Seafoods Ltd
Mr C Reekie	Scofish International
Mr D Taylor	Scofish Ltd
Mr J Thomson	Scofro Lochaber Ltd
Mr J W W Thomson	Scot Products Ltd
Mr N Walker	Scotprime Seafoods Ltd
Mr R Smith	Scotss (Angela Blair, Reg Co-ordinator)
Mr R Stewart	Scottish Association of Fish Producers' Org Ltd
Mr W Black	Scottish Churches parliamentary Office
Mr W G Ramsay	Scottish Civic Forum
Mr W Ness	Scottish Fish Merchants Federation
Mull Fishermen's Association	Scottish Fisheries Protection Agency
National Federation of Fishermen's Assoc.	Scottish Fishermen's Federation
Navarino	Scottish Fishermen's Harvest
Neil Youngston Jnr	Scottish Fishermen's Organisation Ltd
Noble Brothers (Fraserburgh)	Scottish Inter Faith Council
Noblesea Food Ltd	Scottish Pelagic Fishermen's Assoc

Nor Sea Foods Ltd	Scottish Scallop Fishermen's Assoc
Norfish Products Ltd	Scottish Shellfish Marketing Group
Norscot Seafoods	Scottish White Fish Producer's Assoc
Norsea Foods Ltd	SWFPA Salesmen's Section
North East Scotland Fishermen's Organisation Ltd	Sea Scot Ltd
North Irish Sea Fishermen's Association	St Kilda Fishing
North Sea Fishermen's Organisation Ltd	TN Trawlers Ltd
Northern Producers Organisation Ltd	West of Four Fisheries Management Group
Oban Fish Market	West of Scotland Fish Producers Organisation Ltd
Oban Port Association	Western Isles Fishermen's Association
Ocean Bleu	Westray Processors Ltd
Ocean Star Fishselling	Westside Fishermen Ltd
Onward Fishing Co	Whitelink Seafoods
Orkney Fish Farmers Association	Whyte & West
Orkney Fish Producers Organisation Ltd	Wick & Scrabster Fish Traders Association
Orkney Fisheries Assoc	William Sutherland
Orkney Fishermen's Society Ltd	Wisco Processing Ltd
Orkney Herring Company	Youngs Bluecrest
Scrabster Fish Market	Scrabster Seafoods Limited
Scrabster Harbour Trust	West Coast Sea Products Ltd
Sea Fish Industry Authority - Edinburgh	
Sea Fish Industry Authority - Mike Myers, Hull	
Sea Tern Brand	
Seacliff SA	
Seafood Scotland	
Shetland Catch Ltd	
Shetland Fish Processors' Association	
Shetland Fish Producers Organisation Ltd	
Shetland Fish Products Ltd	
Shetland Fishermen's Association	
Shetland Fishsalemens' Association	
T&L Food Service Ltd	
Tarbert - Argyll Fishermen Ltd	
Tarbert Shellfish Ltd	
The 10 Meter and Under Association	
Thistle Seafoods	
Uist Fishermen's Co-op Ltd	
UK Association of Fish Producers' Organisation Ltd	
Ullapool - Assynt Fishermen's Association	
Ullapool Harbour Trustees	
United Fish Products Ltd	
United Fish Selling Ltd	
W & P Robertson	
W Duguid & Sons	
W Stewart (Live Fish) Ltd	
Wade Seafoods Ltd	
West Coast Sea Products Ltd	
West Coast Shellfish	

SSI DESIGNATION FORM

SSI Title & No:	The Inshore Fishing (Prohibition of Fishing for Cockles) (Scotland) (No. 3) Order 2006, (SSI 2006/487)					
Responsible Minister	Ross Finnie, Minister for Environment and Rural Development					
Standing Order	Affirmative	10.6.1(a)		Negative	10.4	✓
		10.6.1(b)			10.5	
	10.6.1(c)		Other	NL		NP
Lead Committee	Environment and Rural Development		Other Committee			
Purpose of Instrument	The purpose of this instrument is to revoke the prohibitions on the fishing for cockles imposed by the Inshore Fishing (Prohibition of Fishing for Cockles) (Scotland) (No. 2) Order 2006 within the area covered by the Solway Firth Regulated Fishery (Scotland) Order 2006, while re-enacting the prohibition on fishing for cockles elsewhere in Scottish inshore waters.					

Laid Date	5 th October 2006	20 day date	10 th November 2006
1st SLC Meeting	24 th October 2006	40 day date	29 th November 2006
Lead Committee Report Due	20 th November 2006	Other Committee Report Due	

SE Contact	Eamon Murphy, 44976
Committee Contact	Mark Brough, 85240

For SLC use:

Article 10 Compliance	Breaks 10(1) rule		Breaks 10(2) rule		PO Letter dated		PO Letter received	
Revocations	Revokes	See Purpose of Instrument		Partially Revokes				
Executive Note	✓	Regulatory Impact Assessment		European Regulations/ Directives				
Additional Information								

SSI DESIGNATION FORM

SSI Title & No:	The Sea Fishing (Northern Hake Stock) (Scotland) Order 2006, (SSI 2006/505)						
Responsible Minister	Ross Finnie, Minister for Environment and Rural Development						
Standing Order	Affirmative	10.6.1(a)		Negative	10.4		✓
		10.6.1(b)			10.5		
	10.6.1(c)		Other	NL		NP	
Lead Committee	Environment and Rural Development		Other Committee				
Purpose of Instrument	The purpose of this instrument is to transpose the measures contained in Council Regulation (EC) 811/2004 which establishes measures for the recovery of the Northern Hake stock.						

Laid Date	12 th October 2006	20 day date	11 th November 2006
1st SLC Meeting	24 th October 2006	40 day date	1 st December 2006
Lead Committee Report Due	27 th November 2006	Other Committee Report Due	

SE Contact	Sarah Winwood, 44980
Committee Contact	Mark Brough, 85240

For SLC use:

Article 10 Compliance	Breaks 10(1) rule		Breaks 10(2) rule		PO Letter dated		PO Letter received	
Revocations	Revokes	See Purpose of Instrument		Partially Revokes				
Executive Note	✓	Regulatory Impact Assessment	✓	European Regulations/ Directives	✓			
Additional Information								