

Consultation on new controls in the *Nephrops* and Crab and Lobster Fisheries

Outcome Report

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Executive Summary

1. This document analyses responses to Marine Scotland's *Consultation on new controls in the Nephrops and Crab and Lobster Fisheries*. A copy of the consultation can be found at <http://www.scotland.gov.uk/Publications/2012/08/7352/0>. The consultation sought views on:

1. Introducing new management measures in the *Nephrops* creel fishery
2. Introducing new management measures in the crab and lobster fisheries
3. Increasing the minimum landing size of West Coast *Nephrops*

2. More precisely, feedback was requested on the following questions:

Nephrops Creel Management

- Whether creel limits should be introduced and why
- How creel limits should be allocated
- The number of creels each vessel should be allocated
- Whether restrictions should be introduced on the type of creel that can be used

Crab and Lobster Fisheries

- Whether creel limits should be introduced and why
- How creel limits should be allocated
- The number of creels each vessel should be allocated
- Whether restrictions should be introduced on the type of creel that can be used
- Whether quotas should apply to these fisheries

Increasing Minimum Landing Size of West Coast *Nephrops*

- Whether the minimum landing size of West Coast *Nephrops* should be brought into line with North Sea regulations

3. We issued the *Consultation on new controls in the Nephrops and Crab and Lobster Fisheries* on 7 August 2012. The consultation closed on 30 October 2012.

4. There were 110 responses, with the majority coming from private individuals, which made up 69 per cent (77) of the total. Twenty per cent (22) were from fishermen's associations. Five per cent (5) were from environmental organisations. Four per cent (4) were from processors and the remaining two per cent (2) were from local authorities.

5. Where permission was given, consultation responses have been placed in the Scottish Government Library. To make arrangements to view responses contact the

Scottish Government Library on 0131 244 4560, or at: Area GD Bridge, Victoria Quay, Edinburgh, EH6 6QQ). Responses can be copied and issued but a charge may be made for this service.

Correction

6. On Friday 5th October 2013, an errata to the original consultation document was issued correcting references, on pages six and nine, relating to the sustainability of crab and lobster fisheries in Scottish waters. We would like to apologise for any inconvenience caused.

Summary of responses

7. Respondents were mixed in their support for the proposed changes, but clear themes emerged:

- A majority against the introduction of national creel limits in the *Nephrops* and crab and lobster fisheries
- A majority against new controls on the type of creels that can be used in the *Nephrops* and crab and lobster fisheries
- A majority against the introduction of quotas in the crab and lobster fisheries
- A majority against increasing the minimum landing size of West Coast *Nephrops*

8. Though many who responded were opposed to any form of creel limits, some who opposed stated that their position may change if creel limits were to form part of a package of management measures including spatial management.

9. There was also regional variation in the level of support for creel limits. There was greater support from some West Coast associations than, for example, from East Coast associations.

Outcome

10. In light of the consultation responses, we have considered a range of issues including: potential environmental benefits; gear conflict aspects and enforcement and compliance challenges. Our conclusion is that, given the lack of evidence to support the view that limiting creel numbers on its own would help improve stock status, reduce gear conflict and in view of the major challenges attached to effective enforcement of any such scheme (particularly given the lack of support from most stakeholders) we do not propose, at this time, to introduce any new measures in accordance with questions 1 - 16.

11. However, although the majority of respondents were against national creel limits as proposed in the consultation, we note there were some regions which supported such measures. We would therefore be supportive of any region or area that wished to investigate the introduction of a local scheme through their IFG

(Inshore Fisheries Group). These could potentially be run as research pilots to test out the feasibility and effectiveness of such schemes.

12. In addition to responses on the sixteen questions posed, we received other comments and general opinions on how the creel fisheries operate and are regulated. We have undertaken an analysis of these and identified two key, recurring issues which require further policy consideration:

Unlicensed Fishermen

13. Significant concerns were expressed about the operation of unlicensed fishermen. Respondents stated that if Marine Scotland is considering additional regulatory measures for licensed vessels, it needs to ensure that there is a level playing field between the licensed and unlicensed sectors (although unlicensed fishermen must not sell their catch, there is no restriction on the number of creels unlicensed fishermen can operate).

14. In response to these concerns, Marine Scotland Compliance continues to receive and collate intelligence relating to alleged unlicensed fishermen. This is built into their risk assessments and associated tasking, alongside work on other alleged offences. If their on-going work suggests to Marine Scotland that unlicensed fishermen are a significant problem around the Scottish coast, we will consider whether to take forward further measures. There has also been a drive to improve the general understanding of who can legally buy and sell seafood through a poster campaign conducted through Fishery Offices.

Berried Lobsters

15. There was also a strong body of opinion in favour of action against the landing of berried lobster hens, including suggestions for consideration of an outright ban. The landing of berried lobsters was previously banned in the UK but this was repealed due to the significant control and monitoring issues it created. The v-notching scheme, where berried lobsters are marked and then returned to the water, is one way in which fishermen can ensure that egg-carrying females are returned to the sea.

16. Marine Scotland wants to support fishermen with v-notching schemes, where they are thought necessary, and we will encourage this through IFGs. IFGs should consider whether a v-notching programme is appropriate for their area, or if there is a danger that such schemes could result in a gender imbalance in their lobster populations. If requested by IFGs, Marine Scotland will make funding available for the purchase of v-notching clippers.

Introduction

17. This report provides detailed analysis of each element of the *Consultation on new controls in the Nephrops and Crab and Lobster Fisheries*. It examines the responses provided to each question and gives an analysis of the views of particular groups, highlighting trends and issues where appropriate and giving a Marine Scotland response to proposals.

Background to the consultation

18. Marine Scotland had frequently been called upon to introduce controls on creel numbers over recent years. The Inshore Fisheries Spatial Management Group, five of the six IFG Management Plans as well as the Scottish Fisheries Council sub-group on Crab and Lobster and the Langoustine Working Group were very vocal in calling either for their introduction or for their introduction to be explored.

19. Throughout this time, Marine Scotland has had no formal policy on the introduction of restrictions on creel numbers and was unsure to what extent these calls represented the majority view of the industry.

20. Supporters of creel limits put forward the following arguments to justify their introduction:

- Increasing numbers of creels were being deployed in Scottish inshore waters which were detrimentally impacting upon catch rates in some areas. Supporters of creel limits believed that a cap could protect, and potentially improve, the catch rates in creel fisheries
- The absence of limits was encouraging a 'race to fish' where fishermen increased the number of creels they operated in response to others doing so
- Creels were being deployed in order to protect grounds (fishermen deploying gear to restrict others from being able to fish in the area)
- Limits on creels would reduce the risk and operational/financial impact of gear conflict, both 'creel to creel' and between 'trawl and creel'
- Creel limits could work as a mechanism to control market price variances, helping to limit the number and improve the quality of animals being put on the market
- Limits would reduce the danger posed by creels to other users of the sea

21. The consultation was launched in an open and transparent manner to seek views and opinions on creel limits and to better understand the potential benefits of introducing creel number restrictions.

22. In addition to canvassing opinion on creel limits, the consultation provided the opportunity to gauge stakeholder opinion on other related issues. These included:

- Restrictions on the types of creels that can be used, to allow smaller animals to escape and make them less efficient at catching/retaining animals
- Whether quotas or landing limits should be introduced in the crab and lobster fisheries
- Whether the minimum landing size of West Coast *Nephrops* should be increased

23. The specific questions asked were:

Question 1 – Do you think that the number of creels used by individual *Nephrops* vessels needs to be capped?

Question 2 – What benefits do you think the introduction of a creel limit would bring?

Question 3 – Do you think that the same single maximum limit should apply to all vessels?

Question 4 – What number should a creel limit be set at for *Nephrops* vessels?

Question 5 – Do you think creel limits should be based on vessel length for *Nephrops* vessels?

Question 6 – What number should a creel limit be set at by vessel length for *Nephrops* vessels?

Question 7 – In your opinion should there be a mandatory escape panel or increased mesh size on *Nephrops* creels?

Question 8 – Do you think that the number of creels used by individual crab and lobster vessels needs to be capped?

Question 9 – What benefits do you think the introduction of a creel limit would bring?

Question 10 – Do you think that the same single maximum limit should apply to all vessels?

Question 11 - What number should a creel limit be set at for crab and lobster vessels?

Question 12 - Do you think creel limits should be based on vessel length for crab and lobster vessels?

Question 13 - What number should a creel limit be set at by vessel length for crab and lobster vessels?

Question 14 – Do you think parlour pots should be banned or restricted in the crab and lobster fisheries?

Question 15 - Do you think quotas should be introduced in the crab and lobster fisheries?

Question 16 - Should the minimum landing size of *Nephrops* on the West Coast be increased to match those restrictions in the North Sea?

Consultation Responses

24. One hundred and ten consultation responses were received by (or shortly after) the closing date for the consultation. The breakdown of responses by group is shown in Table 1 below.

Group Type	Number	Percentage
Private individuals	77	69%
Fishermen's associations	22	20%
Environmental organisations	5	5%
Processors/Suppliers	4	4%
Local authorities	2	2%
Total	110	100%

Table 1 – Breakdown of those who responded by group

Methodology

25. Consultation questions were set out to invite both closed responses (yes/no answers) and open responses (inviting qualitative answers from respondents) which required greater analysis. In addition to the proposals put forward in the consultation document many respondents proposed other management measures in their replies.

Questions and Responses

26. This section records the responses received in relation to each question and provides a brief summary of comments. The analysis seeks to draw out underlying themes and concerns.

Question 1 – Do you think that the number of creels used by individual *Nephrops* vessels needs to be capped?

There were 69 responses to this question.

Summary of views received

27. The majority of respondents were against the introduction of creel limits. However, support for, or opposition to, creel limits was split along sectorial lines.

28. Two-thirds of fishing representative bodies stated that they were against the proposed introduction of creel limits although some indicated their position could change if limits formed part of a wider package of restrictions, such as new curbs on where mobile vessels could operate.

29. There was greater support for controls on creel numbers from some West Coast based associations – for example from the Western Isles Fishermen's Association. This could suggest that creel limits may be appropriate in certain areas around the Scottish Coast where they are seen as necessary by those who fish there.

30. Environmental bodies on the whole supported creel limits but felt the proposals did not go far enough, especially with regards to limits on the mobile gear sector and a need for regional variations to creel numbers. Two groups in particular felt a more coherent overall strategy was needed for both the mobile and creel fishing sectors.

31. Comments opposing *Nephrops* creel limits included the following:

- Restrictions are also needed on trawl vessels to ensure that any benefit from creel limits were not offset by increases in trawl activity
- A need for spatial management
- Some form of permit system is necessary to limit the number of vessels able to enter the fishery
- Any restrictions should be regional as fisheries vary around the coast
- Creel number restrictions cannot be policed
- Restrictions are already in place which act as a capping mechanism – further regulation would simply pass costs onto fishermen

- A rejection of the suggestion that creel limits would help safety at sea
- Any restriction should start with part-time fishermen

Scottish Government Response

32. The proposed introduction of creel limits was rejected by the majority of respondents who disputed the suggested benefits of such a restriction. There was a clear sense that if creel limits were introduced there needed to be reciprocal restrictions placed on the mobile gear fishery.

33. We note the stakeholder opposition to the proposal to apply creel limits. We have also considered the fact that the proposed benefits of creel limits are disputed. Although effort controls may be desirable in some areas and quota allocations are probably not limiting for the *Nephrops* creel fishery, the level of resource required to establish, monitor and enforce a national creel limitation scheme would be considerable. In light of these considerations we have decided not to introduce creel limits in the *Nephrops* fishery at this time.

34. We also acknowledge the need for a more coherent overall strategy for mobile and static gear fisheries and as a first step we have launched a study of inshore fisheries management entitled *Management of the Scottish Inshore Fisheries: Assessing the Options for Change* which will report later this year.

Question 2 – What benefits do you think the introduction of a creel limit would bring?

There were 60 responses to this question.

Summary of views received

35. It was noted in the consultation document that there was a lack of robust data/evidence to support assertions put forward by supporters of creel limits and respondents were asked what benefits they thought creel limits would bring.

36. There was a range of reasons given for the introduction of creel limits. The most frequently occurring motivation was for conservation and stock sustainability, followed by ensuring access to grounds and prevention of fishers blocking grounds. Many respondents also thought a creel limit would improve catch per unit effort.

37. The most frequently occurring reasons given to support creel limits were:

- To help ensure conservation/sustainability of the stock
- To promote access to grounds/prevent fishers blocking grounds
- To help prevent gear conflict
- To improve catch per unit effort

- To help improve market conditions
- To improve quality of catch

Little objective evidence was offered to support these views.

38. Those opposed to creel limits said that their introduction would bring no benefits at all and they also expressed concern that they would improve conditions for the mobile sector at the expense of the static sector. Several respondents stated that there was insufficient evidence to justify such a restriction where no guarantees could be given that it would improve the value of landings.

Scottish Government Response

39. Supporters of creel limits gave many reasons in support of their introduction but potential benefits were disputed by opponents and there was a lack of supporting evidence.

40. The most popular supporting reason given was conservation and stock sustainability. However, as noted by opponents of creel limits, any potential benefit to *Nephrops* stocks from creel limits would likely be offset by more efficient trawl fisheries unless additional restrictions were put in place on this form of fishing too.

41. Creel limits were seen as potentially helpful in reducing gear conflict. However, the causes of gear conflict would appear to be broader than simply the number of creels in use and we would wish to reserve our position on this point pending the outcome of the review of inshore fisheries management (*Management of the Scottish Inshore Fisheries: Assessing the Options for Change*), which will examine this issue more broadly.

Question 3 – Do you think that the same single maximum limit should apply to all vessels?

There were 57 responses to this question.

Summary of views received

42. A clear majority were against the proposal to have a single maximum creel limit for *Nephrops* vessels. No fishing representative group supported an allocation on this basis and a majority of individuals' responses were opposed.

43. Environmental organisations that responded on the issue supported a national single maximum with the ability to establish lower limits as required around the coast to adapt to local needs.

44. Alternative suggestions included basing allocations on number of crew, engine size and the track record of vessels. There was a warning that setting too low a limit may force operators to reduce the number of individuals employed on vessels with knock-on consequences for the health and safety.

Scottish Government Response

45. A single maximum that applied to all fishing vessels would be the simplest form of creel restriction that could be applied and the easiest method to police. However, it was strongly opposed by fishing industry representatives who felt that it took little account of the range of vessels and businesses in the industry.

46. The broad range of proposed limits (see Question 4) shows the lack of consensus on what potential limits should be and the complications of imposing a national restriction on creel numbers.

47. If creel limits are introduced in the future, research will need to be carried out to establish the number of creels in operation and the number of creels needed to ensure businesses are viable.

Question 4 – What number should a creel limit be set at for *Nephrops* vessels?

There were 37 responses to this question.

Summary of views received

48. A range of caps were proposed with four limits being suggested by multiple respondents.

Proposed Cap	Number of Respondents who Supported
1000	7
800	4
2000	3
1800	2

Alternative caps included: 4000, 450, 100 and the number of pots a vessel could haul in a day.

Scottish Government Response

49. The broad range of numbers suggested shows the lack of consensus on what potential limits should be and the complications of imposing a national restriction on creel numbers.

50. If creel limits are to be introduced in the future, research will need to be carried out to identify a system of limitation which offers the greatest potential of ensuring that businesses remain viable and stocks are fished sustainably. Careful consideration will also need to be given to the monitoring and compliance requirements.

Question 5 – Do you think creel limits should be based on vessel length for *Nephrops* vessels?

There were 55 responses to this question.

Summary of views received

51. This form of allocation received greater support than a single maximum. With the exception of environmental groups, all sectors backed this method of allocation over a single maximum for all vessels.

52. There were concerns that a vessel length allocation system was still too simplistic and did not take into account the number of crew employed on vessels or vessel power. Alternative allocation models were suggested; an allocation based on the number of crew found strong support (either in conjunction with vessel length or independent of it), as did engine size and regional limits.

53. However, there was a concern that if any model of creel limit was introduced based on crew numbers this would result in enforcement difficulties.

Scottish Government Response

54. This method of allocation is more flexible and responsive to the different types of businesses in operation in the fishing industry. However, it is more complicated and brings with it additional compliance burdens.

55. If creel limits are to be introduced in the future, research will need to be carried out to identify a system of limitation which offers the greatest potential of ensuring that businesses remain viable and stocks are fished sustainably. Careful consideration will also need to be given to the monitoring and compliance requirements.

Question 6 – What number should a creel limit be set at by vessel length for *Nephrops* vessels?

There were 47 responses to this question.

Summary of views received

56. Many different models were put forward for basing allocation on vessel length. However, the most frequently mentioned lengths were:

- Less than 8 metres – 600 creels
- 8-10 metres – 1000
- 10-12 metres – 1200
- Over 15 metres - 1500

Another method of allocation recommended was giving vessels 80 or 100 creels per metre length of the vessel.

Scottish Government Response

57. The broad range of numbers suggested shows the lack of consensus on what potential limits should be and the complications of imposing a national restriction on creel numbers.

58. If creel limits are to be introduced in the future, research will need to be carried out to identify a system of limitation which offers the greatest potential of ensuring that businesses remain viable and stocks are fished sustainably. Careful consideration will also need to be given to the monitoring and compliance requirements.

Question 7 – In your opinion should there be a mandatory escape panel or increased mesh size on *Nephrops* creels?

There were 58 responses to this question.

Summary of views received

59. A majority of respondents supported no changes to current escape panels or mesh size provisions.

60. The majority of fishing associations which responded were against any changes to current provisions as were the majority of individuals.

61. However, this picture changed when the views of other sectors were examined. Processors were split on whether changes should be introduced and all the environmental organisations supported changes or further investigation into the impact of escape panels or increased mesh size.

62. Those against any changes stated that current provisions already allowed for smaller animals to escape and pointed out that even if smaller animals were retained by creels these were discarded as markets favoured larger animals. Some respondents stated that there was little point in increasing selectivity in creels when mobile vessels, which catch the majority of *Nephrops*, could continue to catch them.

63. There was criticism of the expense which changes would bring to fishermen, especially in relation to increasing mesh size. If new controls were to be introduced fishers felt these should be phased in for new creels.

64. However, one respondent thought that if creel eye size was increased then this would end the need for creel limits as it would allow a greater number of animals to escape.

Scottish Government Response

65. We propose no changes to these restrictions at this time.

66. While we recognise the potential conservation benefits of escape panels and increased mesh size, we are sensitive to placing additional costs on industry and we are conscious that stock assessment data suggests that though effort controls may be needed to limit fishing mortality in some areas they are not required for all areas.

67. We do, however, see potential benefits from the introduction of such measures over time and in a way which would minimise burdens on the industry (for

example, by limiting these changes to all new creels.) We would therefore encourage IFGs to consider this issue further in light of local stock status, potential to improve the value of the landed catch and further work they can usefully undertake to gauge the impact of such measures.

Question 8 – Do you think that the number of creels used by individual crab and lobster vessels needs to be capped?

There were 89 responses to this question.

Summary of views received:

68. A majority were opposed to the introduction of creel limits in the crab and lobster fisheries.

69. Most fishing representative bodies were opposed although this opposition was not universal. There was greater support from those associations with a mixed membership of mobile and static gear fishermen than those representing only static gear or with only a very limited mobile gear membership.

70. There was support from individual respondents, processors and local authorities for a limit on the number of creels that can be used. Environmental organisations gave support to limits on creel numbers. However, many believed the proposal contained in the consultation document did not go far enough. In particular they felt that creel limits needed to be part of a wider suite of measures, particularly spatial management.

71. There was greater support for controls on creel numbers from some West Coast based associations, such as the Western Isles Fishermen's Association. This suggests that creel limits may be appropriate in certain areas around the Scottish coast.

72. In general, there was recognition that creel limits could be an effective management measure but that some form of spatial management was necessary if they were to be introduced.

73. Comments opposing creel limits in the crab and lobster fisheries included:

- They cannot be policed
- There is already a licence system which limits those who can target the fisheries
- The consultation does not deal with the bulk landings of vivier crabbers as they only apply to the zone inside 12 nautical miles
- Any limit may be seen as a target which may actually increase the number of creels in the water
- Limits may act as a barrier to young entrants into the fishery

- There is a need for regional variation in any limit imposed

Marine Scotland Response

74. As with creel limits in the *Nephrops* fishery, the majority of respondents were opposed to their introduction in the crab and lobster fisheries without further restrictions on other sections of the fishing industry – whether that be mobile gear operators or restrictions on vivier crabbers operating outside 12 nautical miles.

75. Marine Scotland has considered these views and noted that the potential benefits of creel limits are disputed, that there is a lack of evidence to show that creel limits on their own would improve stock status, or help with gear conflict. In addition the level of resource required to establish, monitor and enforce a national creel limitation scheme in these fisheries would be considerable. In light of these considerations we have decided not to introduce creel limits in the crab and lobster fisheries at this time.

Question 9 – What benefits do you think the introduction of a creel limit would bring?

There were 80 responses to this question.

Summary of views received

76. It was noted in the consultation document that there was a lack of robust data/evidence to support assertions put forward by supporters of creel limits and respondents were asked what benefits they thought creel limits would bring.

77. A wide variety of reasons were given for the introduction of creel limits, with sustainability/conservation the most commonly cited factor. Freeing up grounds or preventing fishers blocking grounds with unfished creels were the next most frequently occurring reasons. Many cited market factors (such as improving price received) in support of creel limits.

78. Comments supporting creel limits included the following:

- Stock sustainability/conservation
- Provide access to grounds/preventing the blocking of grounds
- Improve market conditions
- Improve catch rates
- Reduce gear conflict
- Give grounds a rest

There was little objective evidence offered to support these views.

79. As with introducing creel limits in the *Nephrops* fishery, many responses stated there would be no benefit to the introduction of creel limits and if a key aim of creel limits was stock conservation then alternative measures – such as increasing the minimum landing size of animals – may be more effective.

Marine Scotland Response

80. A broad range of the potential benefits to creel limits were listed by respondents but the extent to which creel limits would contribute to improving fisheries or reduction of gear conflict appears to be a matter of opinion and is refuted by many who oppose their introduction. This suggests that greater objective evidence is required before assessments can be made of the potential benefits of limits.

81. We have gained a clear sense that if creel limits were introduced there would also need to be restrictions considered for vivier crabbers.

Question 10 – Do you think that the same single maximum limit should apply to all vessels?

There were 80 responses to this question.

Summary of views received

82. A single maximum for vessels was strongly opposed by the majority of respondents.

83. Most sectors opposed a single maximum, apart from environmental organisations and processors who were evenly split. Some environmental organisations called for regional limits to better respond to local needs.

84. Alternative allocation methods were suggested; an allocation based on the number of crew found strong support (either in conjunction with vessel length or independent of it), engine size and the capacity of individual areas were also suggested as mechanisms for setting creel limits.

Marine Scotland Response

85. A single maximum that applied to all fishing vessels would be the simplest form of creel restriction that could be applied and would be the easiest method to police. However, it is strongly opposed by the fishing industry who feel that it takes little account of the range of businesses in the industry.

86. If creel limits are to be introduced in the future, research will need to be carried out to identify a system of limitation which offers the greatest potential of ensuring that businesses remain viable and stocks are fished sustainably. Careful consideration will also need to be given to the monitoring and compliance requirements.

Question 11 - What number should a creel limit be set at for crab and lobster vessels?

There were 62 responses to this question.

Summary of views received

87. A range of caps were proposed with five limits being suggested by multiple respondents.

Proposed Cap	Number of Respondents who Supported
1000	5
500	3
1500	3
600	2
400	2

Other limits suggested were 900 and 300.

88. Respondents also suggested alternative approaches to allocating limits, the most popular being a 500 per crew member limit which received the support of four individuals.

Marine Scotland Response

89. The broad range of limits suggested shows the lack of consensus on what potential limits should be and the complications of imposing a national restriction on creel numbers.

90. If creel limits are to be introduced in the future, research will need to be carried out to identify a system of limitation which offers the greatest potential of ensuring that businesses remain viable and stocks are fished sustainably. Careful consideration will also need to be given to the monitoring and compliance requirements.

Question 12 - Do you think creel limits should be based on vessel length for crab and lobster vessels?

There were 79 responses to this question.

Summary of views received

91. The proposal to establish creel limits based on vessel length gained stronger support from respondents than a single maximum limit. Alternative allocation methods were suggested, including allocations based on the number of crew working, which found strong support, either in conjunction with vessel length or

independent of it. Models based on engine size and the capacity of individual sea areas were also put forward.

Marine Scotland Response

92. This method of allocation is more flexible and responsive to the different types of businesses in operation in the fishing industry. However, it is more complicated and brings with it additional compliance and monitoring complications.

93. If creel limits are to be introduced in the future, research will need to be carried out to identify a system of limitation which offers the greatest potential of ensuring that businesses remain viable and stocks are fished sustainably. Careful consideration will also need to be given to the monitoring and compliance requirements.

Question 13 - What number should a creel limit be set at by vessel length for crab and lobster vessels?

There were 61 responses to this question.

Summary of views received

94. There were many different proposals put forward for basing any allocation on vessel length. A range of bandings and associated creel limits were suggested but the most frequently occurring proposal was:

- Less than 8 metres – 600 creels
- 8-10 metres – 1000
- 10-12 metres – 1200
- 12-15 metres – 1800
- Over 15 metres – 2000

Another popular method of allocation was to give vessels a fixed allocation of creels per metre length of the vessel.

95. There were concerns that basing an allocation on vessel length was too simplistic and that it would need to take into consideration regional circumstances.

Marine Scotland Response

96. The broad range of proposals shows the lack of consensus on what potential limits should be and the complications of imposing a national restriction on creel numbers.

97. If creel limits are to be introduced in the future, research will need to be carried out to identify a system of limitation which offers the greatest potential of ensuring that businesses remain viable and stocks are fished sustainably. Careful consideration will also need to be given to the monitoring and compliance requirements.

Question 14 – Do you think parlour pots should be banned or restricted in the crab and lobster fisheries?

There were 81 responses to this question.

Summary of views received

98. A clear majority opposed any restriction on the use of parlour pots, including a strong majority of individuals, fishing representative bodies and processors

99. Many respondents said a restriction on their use could have health and safety implications, as creels would have to be checked more often and require fishermen to go to sea in poor weather conditions

100. On top of the cost of purchasing new gear, the more frequent trips to sea would add to on-going costs

101. However, one of the two local authorities that replied on the issue and environmental organisations supported their introduction

Marine Scotland Response

102. Marine Scotland is sensitive to putting additional costs on industry and adding to health and safety concerns. We also note that though stock assessment data suggests that effort controls may be needed to limit fishing mortality in some areas, they are not currently required in all areas. However, we can also see the potential benefits of restricting parlour pot use and would encourage local IFGs to consider the matter further. We will work with IFGs to see whether evidence might be gathered on the impact of such restrictions.

Question 15 - Do you think quotas should be introduced in the crab and lobster fisheries?

There were 83 responses to this question.

Summary of views received

103. An overwhelming majority rejected any proposal to introduce quotas into these fisheries.

104. There was a strong rejection of the proposal from fishing associations, individuals, local authorities and most processors.

105. However, the opposition to quotas from individuals was not universal and comments were received to the effect that it was an efficient way to control removals from the sea. One respondent stated that if quotas were introduced then creel numbers would regulate themselves.

106. A major source of opposition to quotas stemmed from the impacts that they have had on other sectors of the fishing industry. There was a fear that quotas could become concentrated in the hands of a limited number of fishermen or that non-fishing interests could acquire quota rights.

Marine Scotland Response

107. Quotas or landing restrictions could be a more effective stock conservation method than creel limits and would be easier to enforce.

108. However, there is a lack of evidence that quotas are currently required in these fisheries for stock conservation reasons. Furthermore, establishing and policing such a system would be administratively burdensome and this factor, along with the strong opposition from stakeholders, means we will not be progressing with quotas in the crab and lobster fisheries at this time.

Question 16 - Should the minimum landing size of *Nephrops* on the West Coast be increased to match those restrictions in the North Sea?

There were 62 responses to this question.

Summary of views received

109. On balance, a small majority of respondents were opposed to increasing the minimum landing size of West Coast *Nephrops*.

110. A majority of fishing representatives were opposed to increasing the minimum landing size of West Coast prawns but other sectors were supportive.

111. Some felt that increasing the minimum landing size may improve marketing conditions as there are reports that landings of smaller *Nephrops* are helping to push down prices and leading to market oversupply.

Marine Scotland Response

112. We will not be increasing the minimum landing size of West Coast *Nephrops* as a result of this consultation but we believe this issue should be examined further to establish what impact the proposal would have on *Nephrops* stocks and those dependent on them. Marine Scotland will engage further with the processing sector as well as catchers in an attempt to better understand what if any positive or negative effects such a move would bring.

Outcome

Creel Limits

113. Given the lack of evidence to support the view that limiting creel numbers in either the *Nephrops* or the crab and lobster fisheries would improve stock status or help with gear conflict and in view of the major challenges attached to effective enforcement of any such scheme (particularly given the lack of support from the majority of stakeholders responding to the consultation), we do not propose, at this time, to introduce any new measures.

114. However, although the majority of respondents were against national creel limits, as proposed in the consultation, we note that there were regions which supported such measures. We would therefore be supportive of any region or area that wished to investigate the introduction of a local scheme through their IFG. Such schemes could potentially be run as research pilots to test out the feasibility and effectiveness of creel limits in practice.

115. The Shetland Shellfish Management Organisation (which under its Regulating Order has the power to introduce effort controls in its fisheries) has recently consulted on introducing creel limits and looks set to introduce restrictions. This could offer a model for other areas wishing to introduce similar measures.

Restrictions on Gear Type

116. It was proposed that there should be restrictions introduced on the type of gear that can be used, such as introducing an increased mesh size or escape panel in *Nephrops* fisheries or restricting the use of parlour pots in (crab and) lobster fisheries. Given the increased costs these measures would impose on fishermen (in fisheries where catches are more likely to survive after being discarded) and the need for more evidence on the impact, it has been decided not to introduce new mandatory restrictions at this stage. However, we see the potential conservation and market benefits of such measures and would encourage IFGs to assess whether restrictions on types of gear could be applied in a way which would not impose undue burdens on their fisheries while improving stock sustainability.

Quotas in Crab and Lobster Fisheries

117. The introduction of quotas in crab and lobster fisheries was highly unpopular with fishing associations and most individuals who responded, despite being recognised as a potentially more effective control on the number of animals being removed than creel limits. Opponents feared that their introduction would result in quotas being concentrated in fewer vessels and that non-fishing interest might acquire quota rights.

118. Given the level of opposition from stakeholders, the lack of compelling evidence that quotas are currently required for stock sustainability purposes, the administrative costs and the potentially problematic market dynamics associated with

the introduction of quotas, we will not be introducing quotas into crab and lobster fisheries at this time.

119. Marine Scotland believes the introduction of quotas could help prevent the landing of poor quality products (such as soft shelled or crippled crabs) – as fishermen may be incentivised to land high quality animals rather than a high quantity of animals. Given the decision not to introduce quotas we would ask catchers and processors to work cooperatively to ensure catch quality maximises market opportunities.

Increasing the Minimum Landing Size of West Coast *Nephrops*

120. Opinion was more evenly split on increasing the minimum landing size of West Coast *Nephrops* than on other issues consulted on. Marine Scotland will engage with processors and catchers in an attempt to better understand what, if any, negative effects an increase would bring.

Unlicensed Fishermen

121. There appears to be some confusion over the definition of the term ‘unlicensed fishermen.’ A licensed fishing vessel is a fishing vessel in respect of which a licence has been issued under section 4 of the Sea Fish (Conservation) Act 1967. If a vessel fishes commercially for sea fish then it must register its vessel and obtain the appropriate licenses. Often the term ‘unlicensed fishermen’ is used to denote licensed part-time fishermen and licensed fishermen operating at a hobby level.

122. Unlicensed fishermen are those who are not licensed to fish commercially. Much like licensed fishermen, there is no limit on the number of creels an unlicensed fisherman may work but he is limited to landing only for personal use. A licensed vessel without a shellfish entitlement can only land 25 crabs and 5 lobsters per day. There is no limit to the shellfish that a licensed fisherman with a shellfish entitlement can land.

123. It is an offence to fish commercially from an unregistered and unlicensed vessel. Unlicensed fisherman must not sell their catch. Those that do sell their catch without a license are subject to enforcement action. Establishments or individuals that purchase fishery products from an unlicensed vessel are committing an offence and will be subject to enforcement action through Registration of Buyers and Sellers for failure to submit a sales note.

124. It is not Marine Scotland policy to restrict the “right to fish” but it is difficult to qualify what level of fishing can be determined for “personal use”. This is also a difficult issue to enforce. Marine Scotland Compliance takes very seriously any reports of unlicensed fishermen selling their catch and such reports are investigated.

125. Marine Scotland Compliance continue to receive and collate intelligence relating to alleged unlicensed fishermen, which is built into their risk assessments and associated tasking, alongside alleged offences. If their on-going work suggests to Marine Scotland that unlicensed fishermen are a significant problem around the

Scottish coast, we will consider whether to take forward further measures. There has also been a recent drive to improve understanding of who can legally buy and sell seafood through a poster campaign conducted through Fishery Offices

Berried Lobsters

126. Several respondents requested the introduction of a ban on the landing of berried lobster hens. There is legislation in place to control the minimum landing size of female lobsters and a ban on the landing of v-notched lobsters. Enforcing a ban on landing berried lobsters is perceived to be extremely challenging as proving that berries have been scrubbed would be very difficult.

127. Where there is a breach in the regulatory framework, v-notching enforcement action will be taken through the Lobsters and Crawfish (Prohibition of fishing and Landing) (Scotland) Order 1999. However, it is in fishermen's interest to take a sustainable approach to catching lobster hens. Where possible we would prefer that sustainable practices are adopted without the need for a legislative requirement. Ultimately, we would wish to see the decision not to scrub hen lobsters as something that fishermen take for the long term benefit of their fishery.

128. Marine Scotland wants to support fishermen with v-notching schemes where they are thought necessary and will be encouraging this through IFGs. IFGs should consider whether a v-notching programme is appropriate for their area, taking into account any risk that such schemes could result in a gender imbalance in their lobster populations. If requested by IFGs Marine Scotland will make funds available for v-notching clippers for distribution amongst lobster fishermen.

General Conclusion

129. Marine Scotland used this consultation to sense check whether calls for the introduction of creel limits in the *Nephrops* and the crab and lobster fisheries reflected widely held views in the fishing industry and to secure an authoritative range of opinion on the pros and cons of such an approach. In analysing responses Marine Scotland has determined that there is currently no appetite for the introduction of national creel limits and that the potential benefits or consequences of such limits remain uncertain, given the lack of evidence for or against such measures. We therefore do not propose to introduce them at this time.

130. There are, however, clearly issues that need further consideration and these have been outlined in this report. The commissioned research *Management of the Scottish Inshore Fisheries: Assessing the Options for Change* will help inform policy on these issues and we will continue to engage with relevant stakeholders about the future management of inshore fisheries.

131. Marine Scotland also believes that there is a central role for newly expanded IFGs to play, whereby more nuanced local solutions can be considered and brought forward to fit specific local circumstances. This might include local schemes to limit creel numbers or to apply other measures in pursuit of sustainable, well-managed inshore fisheries.

Annex A - List of Consultees

Inshore Fisheries Groups (IFGs)
Scottish Fish Producer Organisations

Anglo-Scottish Fishermens Association
Arbroath & Montrose Static Gear Association
Ayrshire & Clyde Static Gear FA
Buchan Inshore Fishermen's Association
Clyde Fishermens Association
Coastguard
Community of Arran Seabed Trust
COSLA
Crown Estate
DARD
DEFRA
East Coast Licensed Small Boats Association
Fife Fishermen's Association
Fife Static Gear Association
Fishermens Association Ltd
Fishsalesmen Association (Scotland) Ltd
Galloway Static Gear Fishermen's Association
Inshore Fishermen's Association
Isle of Man Government
Mallaig and North West Fishermens Association
Marine Conservation Society
Marine Stewardship Council
Ministry of Defence
Moray Firth Inshore Fishermens Association
Mull & Arran FA
North East Creel & Line Assoc
North Minch Shellfish Association
North West Responsible Fishermen's Association
Orkney Creel Fishermen's Organisation
Orkney Fisheries Association
RSPB Scotland
Scallop Association
Scottish Creelers & Divers
Scottish Creel Fishermen's Association
Scottish Fishermen's Federation
Scottish Natural Heritage
Scottish Sea Angling Conservation Network
Scottish White Fish Producers' Association
Sea Angling Federation
Seafish
Shetland Fishermens Association
Shetland Shellfish Management Organisation
Sustainable Inshore Fisheries Trust
Welsh Government
Western Isles Fishermen's Association
WWF Scotland



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