



Marine Scotland

Hobby/Unlicensed Fishermen: Setting Catch Limits The Scottish Government Response

September 2016



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Introduction

Marine Scotland sought views on proposals to set catch limits for hobby/unlicensed fishermen. This followed on from the outcome report on the consultation on measures for hobby/unlicensed fishermen in Scottish inshore waters.

<http://www.gov.scot/Publications/2016/01/1467>

Background

The Inshore Fisheries Management and Conservation Group (IFMAC) established a short-life working group to discuss the issue of hobby/unlicensed fishermen and report back with possible actions to reduce the incidence of unlicensed commercial fishing.

Marine Scotland consulted on those suggested actions and the report '*Promoting Best Practice for Inshore Fisheries: Outcome report on a consultation on measures for hobby/unlicensed fishermen in Scottish inshore waters*' set out the intention to introduce daily catch limits for fishermen who do not hold a licence.

It was clear from the responses to the consultation that there is wide support for the principle that fishermen who are not licensed to fish on a commercial basis should have restrictions in place to limit the number per species of fish that they can take.

Marine Scotland was clear that any restrictions put in place need to be proportionate and allow for a reasonable level of personal consumption. Restrictions should also be enforceable. Marine Scotland believes that it is reasonable to set limits on what can be caught by a hobby fishermen. This will vary by species and be sufficient to allow a hobby but will not allow unlicensed fishermen to argue that catches of significant size are for personal consumption.

Marine Scotland Proposals and Responses

On 28 June 2016 Marine Scotland sought views on what catch limits would be appropriate for hobby/unlicensed fishermen and suggested:

Species	Daily Catch Limit
Lobster	1
Nephrops	10
Crab (any species)	5
Scallops	6

A total of 22 responses were received expressing opinions on the suggested catch limits, or whether catch limits were appropriate. A further 7 more general responses were also received.

10 responses expressed their support of the proposals as set out.

9 suggested changes to the proposed limits. 2 responses thought that a limit that would allow a family to be fed would be appropriate, 2 suggested that the limit for lobsters should be increased to 2. There were differing views on limits for crabs, with suggestions for reducing the crab limits to 3 (2 responses) or splitting the crab limit with 1 or 2 for brown crab and 5 or 10 for other crab species (2 responses).

3 responses suggested that a daily catch limit should be replaced by a weekly or seasonal catch limit (2 of these responses also suggested amendments to the proposed limits above).

3 respondents were opposed to any restrictions on hobby/unlicensed fishermen and 1 respondent wished to see a total ban on any hobby/unlicensed fishing.

Overall there was broad support for the proposals with the biggest area of discussion focusing on limits for crabs, where although a range of responses were submitted it is clear that there is support for defined limits to be put in place.

Responses also included suggestions for bans on selling catch commercially if unlicensed, landing limits and keep box bans.

A second question sought views on whether additional species should be included in any daily catch limits.

Most respondents made no suggestions or thought no additional limits were required. However, 6 respondents did suggest additional limits. One respondent each suggested that the following species should be included:

- Mackerel
- Wrasse
- Razor clams
- Crayfish
- Winkles
- Any quota seafood

One respondent suggested limits of:

15kg Mackerel
10kg Cod/Codling
10kg Pollock
10kg Coalfish

One respondent suggested that spearfishing, rather than any species, should be controlled.

The Way Forward

Giving consideration to the reasons for the original proposals and the responses received to those proposals, Marine Scotland has decided to pursue the catch limits as proposed. The intention of the catch limits is to allow genuine hobby fishermen to pursue their hobby but prevent unlicensed, and thus illegal, commercial fishermen claiming to be undertaking a hobby if challenged.

Marine Scotland is not attempting to set a limit that would define either personal consumption or what is considered reasonable to 'feed a family'. People are diverse as are family arrangements and what would be reasonable for one family could be too much or too little for another. Any catch limits must be easily understood and enforceable.

Marine Scotland believes that one lobster per day is a reasonable compromise, particularly given the value that one specimen can hold compared to other species.

There were suggestions that the catch limits for crabs could differ for different species of crab. Marine Scotland proposes that the catch limits for crabs should be set at a total of 5 per day for all species, this will allow for hobby fishermen to continue to fish for crab but allow enforceable and easily understood limits to be put in place.

It was suggested that landing limits should be introduced rather than catch limits. Whilst Marine Scotland acknowledges the merit in this argument current legislation does not allow for this. It was also suggested that keep boxes for storing catch should also be banned from use by hobby/unlicensed fishermen, which is also outwith current legislative powers. However, this position may change and the situation will be reviewed should that occur.

It has also been suggested that a weekly or seasonal catch limit may be appropriate rather than a daily catch limit. This would allow fishermen to take advantage of better weather, for example, to catch more when conditions allow, whilst placing an overall limit on the catch. Whilst there is some merit in this suggestion any measures introduced must be enforceable. Marine Scotland considers that it would be disproportionate to require hobby fishermen to report their catches, as is required by licensed fishermen, and without such an accompanying measure a weekly or longer period catch limit would be unenforceable and may in effect become the de facto daily limit. Unless a hobby/unlicensed fishermen had been subject to a previous inspection within the proscribed time limit, there would be no way for an enforcement officer to know what any particular fishermen had previously caught.

It was suggested that proposals should focus on banning unlicensed fishermen from selling their catch. At present, unlicensed fishing vessels may not sell their catch,

nor may fish be bought from an unlicensed vessel. Marine Scotland will continue, based on risk assessment and intelligence, to target unlicensed fishermen at sea by use of RIBs and will work to increase compliance with regulations by buyers.

There are at present no plans to introduce catch limits for other species of shellfish or finfish. Anecdotal evidence suggests that the issue for species other than those listed in our proposals is not an issue that requires specific measures at this stage, however, this situation will be kept under review.

Conclusion

Marine Scotland will now bring forward appropriate secondary legislation to set daily catch limits for unlicensed fishermen as per the proposals and is set out below:

Species	Daily Catch Limit
Lobster	1
Nephrops	10
Crab (any species)	5
Scallops	6

**Marine Scotland
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