

## ANNEX

Points to note in terms of reports:

- The information sought is not recorded specifically to identify numbers of suspected incursions for the Inshore Fishing Order SSI 276/2004 and unlike MPA's which have a specific intelligence heading. The search results are therefore the result of keyword searches
- Reports are seldom "real time" but often reported after the event so the prospect of immediate action is reduced;
- A report does not mean or confirm that illegal activity of any kind has taken place, further investigation might be needed to confirm this;
- A report does not mean or confirm there is even a vessel in the closed area, or in a certain section of the closed area, further investigation might be needed to confirm this;
- Vessels might transit through some of the areas in order to access a port so there will be fishing vessels moving through the areas quite legitimately;
- There is seldom a clear "line of sight" through a single report all the way to enforcement action. This means that it is not usually possible to say that someone suspected something, that something was then reported, that led to an investigation, and there was a subsequent prosecution for that something originally reported. This may be because something is generally reported after the event.
- When an asset has been tasked to follow up reports it usually provides a mechanism for gathering further intelligence which might then form the basis of enforcement action and the original report itself is unlikely to form part of that enforcement action.
- Reports feed into the risk assessment and tasking process and when an asset has been tasked it usually provides a mechanism for gathering further intelligence which might then form the basis of further enforcement action;
- A single report might relate to multiple vessels, and multiple reports may all relate to the same event or a single vessel.
- Some reports may either misidentify the activity of the vessel or the method of fishing it is suspected is being engaged in.
- Reports received are taken at face value and accuracy cannot be verified until followed up at a later stage.
- **The number of incidents reported to Marine Scotland of suspected or actual infringements of MPA fisheries management rules (MCOs) and fisheries spatial management rules – both seasonal and permanent - relating to the Inshore**

**Fishing Order 2004 (hereafter ‘incidents’) between 26th May 2019 and 25th May 2020.**

26 May 2019 - 25 May 2020: 48 Reports

- The names of the MPAs or closed areas in which these incidents have been reported, and the number of incidents reported at each MPA or closed area.
- The number of individual vessels these incidents relate to, including those reported to Marine Scotland between 26th May 2019 and 25th May 2020.
- The number of incidents reported relating to fishing with a) trawling gear, b) dredging gear and c) creeling gear d) any other form of fishing.

Closed Area	Total Number of Reports	Total No. of Vessels	Individual Vessels	Trawl	Dredge	Creels	Other	N/K	Comments
Dornoch Firth	1	1	1	1					
Duart Point HMPA	1	1	1			1			
Firth of Clyde Area 2	1	1	1	1					
Firth of Clyde Weekend	2	2	2	2					includes 1 vessel unidentified
Loch Carron MPA	2	2	2		2				includes 1 vessel unidentified
Loch Gairloch	1	1	1		1				
Loch Sunart to Sound of Jura MPA	9	9	7						includes 4 vessels unidentified
Luce Bay	1	1	1	1					
South Arran MPA	10	13	10						includes 4 vessels unidentified
St. Abbs to Eyemouth	4	12	5	12					includes 1 vessel unidentified
St. Andrews Bay	2	2	1		2				
Tresnish Isles SAC	2	3	2		3				
Upper Loch Fyne MPA	7	8	6						includes 4 vessels unidentified
Wester Ross MPA	4	4	4	2	1			1	includes 1 vessel unidentified
Wigtown Bay	1	1	1			1			
<b>Totals</b>	<b>48</b>	<b>61</b>	<b>45</b>	<b>19</b>	<b>9</b>	<b>2</b>	<b>0</b>	<b>1</b>	

Please note that a report does not mean or confirm that illegal activity of any kind has taken place; nor does it mean or confirm there is even a vessel in the closed or restricted area, or in a certain section of the closed or restricted area.

- The number of reported incidents subsequently investigated by Marine Scotland which led to an enforcement action, a breakdown of the closed area or MPA to which they relate, fishing method used, and a breakdown of the type of any enforcement action taken (eg Fixed Penalty Notice, public prosecution).
- Where a Fixed Penalty Notice (FPN) was issued, the amount of each of the FPNs in each case

All incidents are followed up. All reports from our own sources and members of the public are immediately assessed to see if immediate action is possible. Where there are available resources (aircraft or vessel), and this is in line with current priorities, they can be re-tasked to gather evidence and, if possible, detain any suspect boats. Whether or not immediate action is possible, all reports and intelligence received is fed into the Marine Scotland Compliance’s Intelligence Database (MSID). All of this information is graded and assessed at a regular risk assessment and tasking

session where priorities and tasks for coastal officers, ships and aircraft are decided. Local officers also follow-up intelligence reports from their area at a local level.

As already mentioned above in the “points to note”, there is seldom a clear “line of sight” from a single report all the way through to enforcement action. Reports provided to Marine Scotland Compliance feed into the risk assessment and tasking process which determines the tasking for assets. When an asset has been tasked it usually provides a mechanism for gathering further intelligence which might then form the basis of further enforcement action, although the original report received may not form part of that enforcement action.

### Enforcement Outcomes 26 May 2019 to 25 May 2020

No Further Action	Advisory Letter	Warning Letter	Fixed Penalty Notice and amount	Referred to COPFS	Closed Area	Gear Type	Comments
				1	Wester Ross MPA	Scallop Dredge	
			1		Duart Point HMPA	Creels	To be issued
					Loch Gairloch	Scallop Dredge	No Action*
			1 - £4,000		Sound of Jura MPA	Scallop Dredge	

\* Established that no offence was committed