

ANNEX

Points to note in terms of reports in respect of illegal scallop dredging in marine protected areas and other closed or restricted areas:

- 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.

1 - Can you tell me which boats/skippers/firms were investigated please?

In our view the exception applies here, and we are therefore unable to provide details of the boats/skippers/firms as any of the above information can be used to easily identify the personal details of a third party.

2 - Can you tell me if any of these boats/skippers/firms had received covid relief funding please? If they had received public money, and were not supposed to be

fishing, which relevant authorities have been informed - eg Police Scotland? HMRC? - and when were they informed?

I cannot provide the details for individual vessels as in our view the exception applies here. Under the Coronavirus (COVID-19): Sea Fisheries Hardship Fund. The conditions for receipt of these grants did not preclude the vessels continuing to fish. Details of the eligibility conditions can be found here: [Coronavirus \(COVID-19\): Sea Fisheries Hardship Fund](#).

It may be worth noting that other sources of Covid relief funding were/are administered by other departments of both the UK and Scottish governments and fishing vessel owners/operators may have been eligible to receive support from these schemes.

For information, details of funding and support available to businesses during the COVID-19 pandemic can be found here: findbusinesssupport.gov.scot. I would also refer you to the answer given to the Parliamentary Question S5W-22763, which provides information on where to find details of individual grants awarded.

3 - Are you aware of any on-going criminal investigations taking place into these incidents?

Investigations are ongoing in relation to all the reports as noted within the written answer S5W-22763

4 - Can you tell me what was the outcome of each of Marine Scotland's investigations please?

Investigations in relation to the reports are on-going and none, to date, have been concluded.

5 - Can you specify where these alleged illegal dredging incidents took place please?"

The areas where the reported alleged infringements took place were:

- Firth of Lorn SAC
- Loch Sunart to Sound of Jura MPA
- Treshnish Isles SAC
- Enart Bay Seasonal Closure
- Southern Inner Sound Protected Area