

## **Fixed Penalty Notices (FPN's) issued – by Nationality**

2018: 36 FPN's issued, 34 in relation to UK registered vessels, one to a German registered vessel and one to a Danish Registered vessel.

2019: 38 FPN's issued, 33 in relation to UK registered vessels, two to German registered vessels, two to Irish registered vessels and three unlicensed/unregistered vessels (operated by UK residents).

2020: 24 FPN's issued, 22 in relation to UK registered vessels, two to Norwegian registered vessels

It should be noted that a significant proportion of FPN's are issued following an offence being detected either at the time of, or after landing. The majority of non-UK registered vessels fishing within UK (prior to 1 January 2021 being additionally EU) waters do not land in to the UK and as such any offences that would be detected either at the time of, or after landing would not occur in the UK. It is possible that a non-UK vessel fishing in UK(EU) waters landing in to an EU country for example would have an infringement detected and dealt with there. Additionally a number of those infringements may not be an offence until the landing has taken place.

## **Cases Referred to the Procurator Fiscal:**

2018: 5 Cases, all UK Residents

2019: 13 cases, all UK Residents

2020: 3 Cases, all UK Residents

It should be noted, that the majority of these cases (thirteen) were submitted to the Procurator Fiscal after issue and non-payment of a Fixed Penalty Notice, the remaining eight cases were submitted direct to the procurator fiscal as the suspected offenders had previous analogous offences which had been dealt with either by a 2<sup>nd</sup> Fixed Penalty Notice, or they had failed to pay a previous Fixed Penalty Notice. There were three suspected offenders for the total of eight cases.

In the years 2018, 2019 and 2020 All the Fixed Penalty Notices issued to non – UK residents were paid, and as a result none of the cases were referred to the Procurator Fiscal.

## **Total number of active investigations – broken down by nationality**

It is not possible to provide the total number of active investigations for each of the three years requested. This is because, we do not routinely record examples of analysis/investigation where no infringement has been detected. The majority of landings by all vessels will have had some form of analysis/investigation carried out on them, whether this be manually by a British Sea Fishery Officer, an Assistant Fishery Officer or a Fishery Assistant or by an automated check of landing data by out IT systems.

I have however included below a breakdown of infringements detected by Nationality where the suspected infringement has been recorded by the local Fishery Office or Marine Asset (Marine protection vessel or Inshore Patrol vessel) which detected it.

It should be noted that not all infringements will have had enforcement action taken. This may be for a number of reasons such as, but not exclusively:

- Minor, isolated, breach.
- Evidence not corroborated. (While we can issue “advice” in the form of a verbal re-brief or advisory letter for infringements without corroboration, if we issue a more formal sanction in the form of a Written Official Warning, Fixed Penalty Notice or referral of case to Procurator Fiscal, then the key facts of the case must be corroborated.)
- Not in the public interest to take enforcement action.

It should also be noted that this list includes infringements within UK territorial waters (0-12 miles) within which non-UK vessels were almost entirely not permitted to fish (subject to a small number of exceptions) and will therefore be almost exclusively UK registered vessels (some exceptions including un-registered/unlicensed vessels)

#### Infringements detected by Fishery Offices

2018		2019		2020	
Nationality	Number of Infringements recorded	Nationality	Number of Infringements recorded	Nationality	Number of Infringements recorded
DEU	2	DEU	4	DNK	5
DNK	3	ESP	7	ESP	5
ESP	6	FRA	23	FRA	16
FRA	25	GBR	1341	GBR	1524
GBR	1628	IRL	1	IRL	1
NOR	4	NOR	13	NOR	9
SWE	1	UNK*	10	UNK*	6
UNK*	5				

#### Infringements Detected by Marine Assets

2018		2019		2020	
Nationality	Number of Infringements recorded	Nationality	Number of Infringements recorded	Nationality	Number of Infringements recorded
DNK	1	DEU	1	GBR	15
GBR	38	DNK	2	NOR	1
UNK*	1	ESP	1		
		FRO	1		
		GBR	41		
		IRL	3		
		NOR	2		
		UNK*	3		

The three digit country codes utilised above can be found [here](#) for any which may be unfamiliar.

\*UNK relates to infringements where vessel is either unregistered/unlicensed or there is no vessel involved.

The overwhelming majority of landings in to Scotland are by UK vessels. To give some context to the figures above, a previous answer to a parliamentary question in relation to landings by Nationality in Scotland over a five month period between January and May 2020 and the same period in 2021 gave the following results.

For 2020:

Landings					
2020	Jan	Feb	Mar	Apr	May
Denmark	2				
England	79	63	88	37	61
France	20	29	37	25	37
Germany			1	1	2
Ireland				2	
Isle of Man	2	2	4	4	7
Northern Ireland	12	1	3		2
Norway	5	7	6	2	2
Scotland	3334	3132	3266	2045	3443
Spain	14	13	25	29	32
Wales	4	1	1		4

	Jan	Feb	Mar	Apr	May
UK	98.8%	98.4%	97.9%	97.1%	97.8%
Non UK	1.2%	1.6%	2.1%	2.9%	2.2%

For 2021:

Landings					
2021	Jan	Feb	Mar	Apr	May
England	62	56	56	65	72
France	3	17	33	24	24
Germany			1	1	2
Guernsey					1
Isle of Man	1	6		4	3
Northern Ireland	11	3	19	9	9
Norway	1			1	
Scotland	3442	2571	3848	3550	2297
Spain		11	15	18	28
Wales					1

	Jan	Feb	Mar	Apr	May
UK	99.9%	98.7%	98.8%	98.7%	97.6%
Non UK	0.1%	1.3%	1.2%	1.3%	2.4%

As you can see, the landings by UK vessels over these periods account for between 97.1 and 99.9% of total landings.

Full details of the Parliamentary Question and associated answer can be found here: [Written question and answer: S6W-00522 | Scottish Parliament Website](#)

The Parliamentary Question and associated answer above also provides some more detail on the proportion of boardings in port by nationality during the same periods which you may find interesting.

**Overall value of fines\*collected during this period – broken down by nationality**

2018: Total FPN's collected (paid) £76,500. Comprising:

- UK registered Vessels - £56,500
- German Registered Vessels - £10,000
- Danish Registered Vessels - £10,000

2019: Total FPN's collected (paid) £87,000. Comprising:

- UK registered vessels - £50,000
- German registered vessels - £30,000
- Irish registered vessels - £6,000
- Unregistered vessels - £1,000 (as mentioned above, operated by UK residents)

2020: Total FPN's collected (paid) £56,000. Comprising:

- UK registered vessels - £48,000
- Norwegian registered vessels - £8,000

\*It should be noted that we do not issue "fines", instead we can offer a Fixed Penalty Notice (FPN) as an alternative to prosecution. I have used the date the respective FPN's have been issued, rather than the date paid as it will tie in with the total number issued above.