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Finlay Carson MSP  
Convener of Rural Affairs and Islands Committee  
Scottish Parliament  
Edinburgh  
EH99 1SP

23 January 2024

Dear Finlay,

**THE SEA FISHERIES (INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS) (AMENDMENT) (NO. 2) REGULATIONS 2024 ('THE REGULATIONS')**

I am writing in relation to the protocol on obtaining the approval of the Scottish Parliament for proposals by the Scottish Ministers to consent to the making of UK secondary legislation affecting devolved areas.

That protocol, as agreed between the Scottish Government and the Parliament, accompanied the letter from the Cabinet Secretary for Government Business and Constitutional Relations, Michael Russell MSP, to the Conveners of the Finance & Constitution and Delegated Powers and Law Reform Committees on 4 November 2020 and replaced the previous protocol that was put in place in 2018.

I attach a Type 1 notification which sets out the details of the SI that the UK Government propose to make and the reasons why I am content that Scottish devolved matters are to be included in this SI. Please note, we are yet to have sight of the final SI and it is not available in the public domain at this stage. We will, in accordance with the protocol, advise you when the final SI is laid and advise you as to whether the final SI is in keeping with the terms of this notification.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee. I look forward to hearing from you by 1 March 2024

Yours sincerely,



**MAIRI GOUGEON**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

## **NOTIFICATION TO THE SCOTTISH PARLIAMENT**

### **Name of the SI(s)**

The Sea Fisheries (International Commission for the Conservation of Atlantic Tunas) (Amendment) (No. 2) Regulations 2024 ('The Regulations')

### **Is the notification Type 1 or Type 2**

This is a Type 1 notification.

### **Brief overview of the SI (including reserved provision):**

The Regulations place a prohibition on all recreational fishing boats fishing for bluefin tuna ('BFT') within United Kingdom waters and a prohibition on UK recreational fishing boats fishing for BFT in other waters of the Convention area. They then put in place a legislative framework to enable the four UK fisheries licensing authorities, if they wish, to establish permitting regimes in their waters (the Scottish Ministers in relation to the Scottish zone, the Welsh Ministers in relation to the Welsh zone, the Department of Agriculture, Environment and Rural Affairs in Northern Ireland in relation to the Northern Ireland zone and the Marine Management Organisation in relation to the remainder of UK waters).

Where implemented, a permitting regime will allow eligible UK recreational fishing boats to apply for a permit to fish for BFT on a catch and release basis in a defined area.

The Regulations also amend the Sea Fishing (Enforcement) Regulations 2018 (S.I. 2018/849) to confer enforcement powers on Inshore Fisheries and Conservation Officers in relation to the prohibition on recreational fishing for BFT without a permit.

### Laying and coming into force dates:

The Regulations are due to be laid before the UK Parliament on 14 March 2024 and will come into force on 17 May 2024.

### **Details of the provisions that Scottish Ministers are being asked to consent to.**

#### **Summary of the proposals**

The aim of the Regulations is to allow the fishing administrations (FA) to open managed recreational BFT fisheries, if they wish, whilst complying with international obligations.

The UK is a contracting party to the International Convention for the Conservation of Atlantic Tunas (ICCAT) which requires that any recreational fishing of blue fin tuna is prohibited unless specifically authorised. The current Regulations (Regulation (EU) 2016/1627 of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna ('BFT') in the eastern Atlantic and the Mediterranean (EUR 2016/1627)) fall short of these requirements and the Regulations therefore amend them by substituting

#### Chapter IV Recreational Fisheries for chapter 4 (sport and recreational fisheries)

The substituted chapter is fairly brief and specifies that each member state with a BFT quota has to regulate sport and recreational fisheries by allocating a specific quota for the purpose of those fisheries and has to inform the Commission when transmitting its fishing plan. It goes on to state that each Member State with a BFT quota has to regulate sport and recreational fishing, and that for sport and recreational fisheries, no more than one bluefin tuna can be caught per vessel per day.

The new Chapter IV provides:

- several definitions, such as 'permit' and 'recreational UK fishing boat';

- for a general prohibition of fishing for bluefin tuna within the UK zone except for a recreational fishing boat where the fishing is by rod and line only, and authorised by a permit;
- that bluefin tuna caught must, where reasonably possible, be released unharmed, not intentionally removed from the sea, not be transferred to any other vessel, and not be retained on board or landed (catch and release) and that fishing for bluefin tuna from the shore in the UK is prohibited;
- the criteria that permit applications must conform to;
- that a relevant permitting authority may require an application to contain such other information as the authority considers necessary;
- that each relevant permitting authority has discretion over whether to accept permit applications;
- detail on the power to grant permits in respect of recreational UK fishing boats;
- detail on the power of relevant permitting authorities to vary, suspend or revoke permits;
- detail on how permits and notices are to be given to recipients and when they take effect;
- detail of the records which must be maintained with regards to bluefin tuna caught; and
- detail of information which must be given to the relevant permitting authority responsible for the permit within 24 hours of the end of each fishing trip.

It also amends the Sea Fishing (Enforcement) Regulations 2018 to confer enforcement powers on Inshore Fisheries and Conservation Officers in relation to the prohibition on unauthorised recreational BFT fishing.

Alignment:

- The Regulations are aligned with the EU's overall approach of managing fish stocks in a sustainable manner with catches of stocks at risk of over-exploitation subject to a variety of restrictions.

### **Does the SI relate to a common framework or other scheme?**

Yes, the conservation of fish stocks, including tunas, is covered through the Fisheries Management and Support Framework and this legislation has been jointly agreed through that process<sup>1</sup>.

### **Summary of stakeholder engagement/consultation**

A targeted consultation took place on the permitting regimes for the recreational targeting of bluefin tuna in UK waters. A summary of the consultation can be accessed here:

<https://www.gov.uk/government/consultations/establishing-permitting-regimes-for-the-recreational-fishing-of-eastern-atlantic-bluefin-tuna-in-uk-waters>.

In addition, the Department has consulted with the devolved administrations and the Marine Management Organisation regarding the amendments made by this instrument.

### **A note of other impact assessments (if available)**

There is no, or no significant, impact on businesses, charities or voluntary bodies.

There is no, or no significant, impact on the public sector.

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<sup>1</sup> CP 616 – Fisheries Management and Support Common Framework – Provisional Framework Outline Agreement and Memorandum of Understanding ([publishing.service.gov.uk](https://publishing.service.gov.uk))

The expected impact on businesses, charities or voluntary bodies will be provided in the assessment on [uk.gov](https://www.uk.gov).

**Summary of reasons for Scottish Ministers proposing to consent to UK Ministers' legislation**

Consent to the Sea Fisheries (International Commission for the Conservation of Atlantic Tunas) (Amendment) (No. 2) Regulations 2024 is recommended to ensure that recreational fishing boats fishing for bluefin tuna in the UK waters are subject to a system of authorisations.

**The intended laying date (if known) of instruments likely to arise**

N/A

**If the Scottish Parliament does not have 28 days to scrutinise the Scottish Minister's proposal to consent, why not?**

N/A

**Information about any time dependency associated with the proposal**

N/A

**Are there any broader governance issues in relation to this proposal, and how will these be regulated and monitored post-withdrawal?**

N/A

**Any significant financial implications?**

None identified.

## SI NOTIFICATION: SUMMARY

<b>Title of Instrument</b>
The Sea Fisheries (International Commission for the Conservation of Atlantic Tunas) (Amendment) (No. 2) Regulations 2024
<b>Proposed laying date at Westminster</b>
14 March 2024
<b>Date by which Committee has been asked to respond</b>
1 March 2024
<b>Power(s) under which SI is to be made</b>
<p>Section 36(1)(a) and (b) and 51 (1)(a) of <i>the Fisheries Act 2020</i>, and</p> <p>In accordance with section 40 of the Fisheries Act 2020, the Secretary of State is seeking the consent of the Scottish Ministers to the making of this SI, having consulted with the Scottish Ministers in accordance with section 41(1).</p> <p>The Regulations state that in accordance with section 41 (1) of the Fisheries Act 2000, the Secretary of State has consulted the Scottish Ministers.</p> <p>The Regulations state that in accordance with sections 41 (2) (c ) and 51 (4) (a) and (5) of the Fisheries Act 2000, a draft of the Regulations has been laid before Parliament and approved by a resolution of each House of Parliament.</p>
<b>Categorisation under SI Protocol</b>
Type 1
<b>Purpose</b>
<p>The Regulations amend Regulation (EU) 2016/1627 of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean (EUR 2016/1627) to implement requirements under the International Convention for the Conservation of Atlantic Tunas (“the Convention”).</p> <p>The Convention requires contracting parties to ensure that recreational fishing boats fishing for bluefin tuna in waters of the Convention area are subject to a system of authorisations.</p> <p>The Regulations put in place a prohibition on all recreational fishing boats fishing for bluefin tuna within United Kingdom waters and a prohibition on UK recreational fishing boats fishing for bluefin tuna in other waters of the Convention area. These Regulations then put in place a legislative framework to enable the four UK fisheries licensing authorities, if they wish, to establish permitting regimes in their waters (the Scottish Ministers in relation to the Scottish zone, the Welsh Ministers in relation to the Welsh zone, the Department of Agriculture, Environment and Rural Affairs in Northern Ireland in relation to the Northern Ireland zone and the Marine Management Organisation in relation to the remainder of UK waters).</p> <p>Where implemented, a permitting regime will allow eligible UK recreational fishing boats to apply for a permit to fish for bluefin tuna on a catch and release basis in a defined area.</p> <p>The Regulations also amend the Sea Fishing (Enforcement) Regulations 2018 (S.I. 2018/849) to confer enforcement powers on Inshore Fisheries and Conservation Officers in relation to the prohibition on recreational fishing for bluefin tuna without a permit.</p>
<b>Other information</b>
N/A
<b>SG Policy contact:</b>

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