

Rural Affairs and Islands Committee

Wednesday 24 April 2024

10th Meeting, 2024 (Session 6)

# The Sea Fisheries (Remote Electronic Monitoring and Regulation of Scallop Fishing) (Scotland) Regulations 2024

## Introduction

1. This paper supports the Committee's evidence session with stakeholders on the [Sea Fisheries \(Remote Electronic Monitoring and Regulation of Scallop Fishing\) \(Scotland\) Regulations 2024](#).
2. The instrument mandates the use of remote electronic monitoring (REM) systems on all "relevant scallop boats" and "relevant pelagic boats" during fishing trips in the Scottish zone and, for Scottish vessels falling within those categories, during fishing trips wherever they are fishing.
3. The instrument also revokes the REM requirements in article 6 of the [Regulation of Scallop Fishing \(Scotland\) Order 2017](#) (the 2017 Order), which are being superseded, and consolidates the gear restrictions for scallop dredge vessels fishing for king scallops in the Scottish zone into a single article in the 2017 Order, with minor amendments.
4. At its meeting on 20 March 2024, the Committee agreed to take further evidence on the instrument from stakeholders and issue a call for views. [The call for views ran from 25 March to 8 April, receiving 16 responses](#).
5. The Committee will take evidence from the Cabinet Secretary for Rural Affairs, Land Reform and Islands and formally consider the instrument on 1 May 2024.

## Policy objectives

6. REM systems support data collection in fisheries using imagery, sensors and vessel positioning systems to independently monitor operations at sea.
7. The policy note published with the draft regulations states the policy objectives are to:
  - improve the capacity to monitor fishing activity in the Scottish zone, and the fishing activity of Scottish fishing vessels wherever they operate
  - deter non-compliant fishing activity and provide confidence that fishers are complying with the rules and regulations that are in place
  - enhance the evidence base on which decisions are taken by the Scottish Government or other relevant public authorities, including the provision of scientific advice and decisions relating to wider marine planning

- help deliver the confidence and accountability that consumers and members of the public want to see from seafood products
8. The instrument requires that an REM system, which complies with applicable technical specification, must be installed on board relevant scallop and pelagic boats. The operator of a relevant scallop or pelagic boat must ensure that the REM system installed onboard is fully functional for the duration of any fishing trips in the Scottish zone and, for Scottish vessels, for the duration of all fishing trips.
  9. It is the responsibility of vessel owners to meet in full any costs, charges or fees arising from installing and maintaining REM systems.
  10. The instrument details the process confirming that the system complies with the applicable technical specifications, where an REM system is installed on board a relevant scallop or pelagic boat for the first time or an REM system is replaced.
  11. The instrument provides a lead-in time before the main pelagic provisions come into force on 7 March 2026, including a six-month preparatory period (beginning on 7 September 2025).
  12. By the end of that preparatory period, the owner of a relevant pelagic boat must have:
    - ensured that an REM system, which complies with the technical specification specified by Scottish Ministers, is installed on board the boat
    - submitted in writing to the Scottish Ministers any information and documentation specified by the Scottish Ministers
    - ensured that the boat undergoes a remote inspection
    - following a remote inspection, and with Scottish Ministers' prior written consent, ensured that the boat undertakes a system test trip
  13. The instrument also sets out processes to be followed if a technical fault or malfunction is detected prior to or during a fishing trip and imposes duties in relation to retaining data recorded by an REM system.
  14. The instrument establishes prohibitions attached to interference or tampering with the REM system or the data recorded by an REM system. It also creates a number of offences and penalties that are consistent with the general approach to existing fisheries legislation.
  15. The instrument amends the 2017 Order to revoke requirements for certain scallop dredge vessels fishing for king scallops in parts of the Scottish zone (as these requirements are being superseded by the REM requirements being imposed by the instrument on all "relevant scallop boats").

## **Consultation**

16. The [Scottish Government undertook a 12-week consultation on enhancing sustainable fisheries management - remote electronic monitoring](#) to seek views

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on the implementation, impact and costs on the pelagic and scallop dredge fleets, and also on the general principles on the use of REM in the Scottish zone. The consultation ran from 15 March to 7 June 2022. Responses were submitted by 15 individuals and 33 organisations or groups, including conservation groups and the fishing sector. A [remote electronic monitoring: consultation analysis](#) of responses and a [remote electronic monitoring: outcome report](#), answering the general points raised across the representations are published on the Scottish Government website.

## **Impact assessment**

17. [A Business and Regulatory Impact Assessment \(BRIA\) has been completed.](#)

**Clerks to the Committee**  
**April 2024**