

Rural Affairs and Islands Committee
Wednesday 1 May 2024
11th Meeting, 2024

Note by the Clerk on the Sea Fisheries (Remote Electronic Monitoring and Regulation of Scallop Fishing) (Scotland) Regulations 2024 [draft]

Overview

1. At this meeting, the Committee will take evidence from the Cabinet Secretary for Rural Affairs, Land Reform and Islands and officials on the Sea Fisheries (Remote Electronic Monitoring and Regulation of Scallop Fishing) (Scotland) Regulations 2024 before debating a motion in the name of the Cabinet Secretary inviting the Committee to recommend approval of the instrument.
2. This is a draft Scottish Statutory Instrument (SSI), which requires approval by resolution of the Parliament before it can become law. More information about the instrument is summarised below:

Title of instrument: [The Sea Fisheries \(Remote Electronic Monitoring and Regulation of Scallop Fishing\) \(Scotland\) Regulations 2024 \[draft\]](#)

Laid under: [Fisheries Act 2020](#)

Laid on: 24 April 2024

Procedure: Affirmative

Lead committee to report by: 2 June 2024

Commencement: If approved, these Regulations come into force as follows:

- part 1 of these Regulations and regulations 4, 6(1), 8(1) and (6), 13, 14(1), 16(1), and 19(1) and (6) come into force on 4 June 2024 or, if these Regulations have not been made by 3 June 2024, on the day after the day on which these Regulations are made.
 - the rest of Part 2 and the whole of Part 4 of these Regulations come into force on 17 June 2024
 - regulations 14(2) to (4), 15(4) and (5) and 16(2) and (3) come into force on 7 September 2025
 - the remainder of these Regulations come into force on 7 March 2026
3. This SSI, laid on 24 April, replaces an earlier SSI of the same name which was laid on 22 March and subsequently withdrawn. In a [letter to the clerk, dated 24 April 2024, the Cabinet Secretary for Rural Affairs, Land Reform and Islands](#)

[explained the reason for withdrawing the original instrument](#) was that the “committee’s call for views on this Order highlighted a small error in the drafting that, if uncorrected, will undermine technical restrictions fundamental to the regulation of scallop dredge fisheries”.

Delegated Powers and Law Reform Committee consideration

4. [The DPLR Committee considered the first instrument on 16 April 2024 and reported on it in its 26th Report 2024 \(Session 6\)](#). The DPLR Committee made no recommendations in relation to the instrument at this time.
5. The DPLR Committee is due to consider the revised instrument on 30 April 2024 and clerks will update members on the DPLR Committee consideration at the Committee meeting.

Purpose of the instrument

6. 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.
7. It is the responsibility of vessel owners to meet in full any costs, charges or fees arising from installing and maintaining REM systems.
8. 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.
9. 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).
10. 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.
11. 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.
12. 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”).

13. The instrument also 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. The restrictions are set out in the policy note (see table).
14. The Policy Note accompanying the instrument is included in the annexe. It includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects.

Evidence received

15. [The Committee received 16 responses to its call for views on the instrument.](#)
16. On 24 April 2024, the Committee took evidence on the instrument from stakeholders, it heard from:
 - Future Fisheries Alliance
 - Scottish Pelagic Fisherman's Association
 - Scottish Fisherman's Federation
 - Isle of Man Government
17. [The official report from the Committee's meeting on 24 April will be published on the Committee's website.](#)
18. On 23 April 2024, Scottish Government officials provided a draft copy of the REM technical specifications for relevant pelagic and scallop boats. These documents are provided in **Annexe B**. Clerks have shared the draft technical specifications with the Scottish Fisherman's Federation and the Scottish Pelagic Fisherman's Association for comment. Clerks will provide an update in advance of the meeting, should these organisations have any comments.

Report

19. The Committee is invited to delegate authority to the Convener to sign off the Committee's report on its consideration of the instrument to the Parliament.

Procedure

20. Under the affirmative procedure, an instrument must be laid in draft and cannot be made (or come into force) unless it is approved by resolution of the Parliament.
21. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.

22. The lead committee, taking account of any recommendations made by the DPLR Committee (or any other committee), must report within 40 days of the instrument being laid.
23. The normal practice is to have two agenda items when an affirmative instrument is considered by the lead committee:
 - an evidence session with the Cabinet Secretary for Rural Affairs, Land Reform and Islands and officials, followed by
 - a formal debate on a [motion](#), lodged by the Cabinet Secretary for Rural Affairs, Island and Land Reform, inviting the lead committee to recommend approval of the instrument.
24. Only MSPs may participate in the debate, which may not last for more than 90 minutes. If there is a division on the motion, only committee members may vote. If the motion is agreed to, it is for the Chamber to decide, at a later date, whether to approve the instrument.

Clerks to the Committee
April 2024

Annexe A: Scottish Government Policy Note

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

1. The above instrument was made in exercise of the powers conferred by paragraph 1(1)(b) and (c) of schedule 8 of the Fisheries Act 2020¹ and all other powers enabling them to do so. The instrument is subject to affirmative procedure.

Summary

2. This instrument mandates the use of Remote Electronic Monitoring (REM) systems on all “relevant scallop boats”² and “relevant pelagic boats”³ during fishing trips in the Scottish zone and, for Scottish vessels falling within those categories, during fishing trips wherever they are fishing. The instrument revokes the REM requirements in article 6 of the Regulation of Scallop Fishing (Scotland) Order 2017⁴ (the 2017 Order), which are being superseded.
3. In addition, the instrument 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. For vessels without a qualifying historic track record of fishing with either 9 or 10 dredges per side in the 6-12 nautical mile area within the Scottish zone at least once between 1 January 2018 and 31 December 2020 (inclusive), as evidenced by REM equipment/data, the maximum number of scallop dredges which those vessels can deploy per side in the 6-12 nautical mile area will reduce to 8 per side (16 in total) and restrictions on the maximum length and number of tow bars deployed will apply. The restrictions are set out in the Policy Objectives table below.

Policy Objectives

4. REM systems support comprehensive data collection in fisheries, using imagery, sensors and vessel positioning systems to independently monitor operations at sea. The components of REM systems can differ depending on the monitoring, control and surveillance objectives for which they are used.

¹ 2020 c. 22. For relevant provisions specifying the scope of the powers to make regulations under paragraph 1 of schedule 8 of the Fisheries Act 2020, see, in particular, section 51(1) and paragraphs 1(6)(b), 4(1)(a), 4(2), 4(3) and 4(6) of schedule 8 of that Act.

² Any fishing boat which deploys scallop dredges in the Scottish zone and any Scottish fishing boat which deploys scallop dredges outwith the Scottish zone. A “scallop dredge” is defined as “an appliance with a rigid framed mouth which is towed through the water and is manufactured, adapted, used or intended for use for the purpose of fishing for scallops” and a “scallop” is defined as a bivalve mollusc of the Pectinidae family.

³ Vessels that are 12 metres or more in length, are equipped with at least one of a chilled sea water system (CSW), a refrigerated sea water system (RSW) or freezer storage capabilities, and which deploy any kind of fishing net in the Scottish zone or, for Scottish vessels, wherever they are fishing, for the primary purpose of fishing for small pelagic species of fish (species including mackerel, herring, horse mackerel, anchovy, sardine, blue whiting, argentines, sprat, and boarfish).

⁴ Scottish Statutory Instrument 2017/127 - <https://www.legislation.gov.uk/ssi/2017/127/made>

5. The policy objective is to improve the capacity to monitor fishing activity in the Scottish zone, and the fishing activity of Scottish fishing vessels wherever they operate. The enhancements in monitoring and enforcement delivered by REM will deter non-compliant fishing activity and provide confidence that fishers are complying with the rules and regulations that are in place.
6. The high resolution data generated from REM systems will 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. The use of REM is also expected to help deliver the confidence and accountability that consumers and members of the public want to see from seafood products.
7. The instrument requires that an REM system which complies with the applicable technical specifications specified by Scottish Ministers under this instrument must be installed on board relevant scallop boats and relevant pelagic boats. The master, the owner and the charterer (if any) of, as the case may be, 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. It is the responsibility of vessel owners to meet in full any costs, charges or fees arising from installing and maintaining REM systems. It is the responsibility of vessel owners and charterers (if any) to meet in full any costs, charges or fees arising from arranging and maintaining Scottish Ministers' access to the data storage system to which an REM system transmits data recorded in relation to a fishing trip and any companion software for an REM system.
8. The instrument sets out processes to be followed to confirm that, where an REM system is installed on board a relevant scallop or pelagic boat for the first time, or an REM system is replaced, that the system complies with the applicable technical specifications and is fully functioning to the satisfaction of the Scottish Ministers. Procedures are set out for first installations or replacements of REM systems which occur, for relevant scallop boats, on or after 17 June 2024 and for relevant pelagic boats, on or after 7 March 2026.
9. The instrument provides a lead-in time before the main pelagic provisions come into force. This includes a 6 month preparatory period (beginning on 7 September 2025) before the main pelagic provisions come into force on 7 March 2026. In order to comply with the main pelagic provisions from the point they take effect, by the end of that preparatory period, the master, owner and the charterer (if any) 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; and
 - following a remote inspection and with Scottish Ministers' prior written consent, ensured that the boat undertakes a system test trip.

10. The instrument also sets out processes to be followed if an REM system 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 in relation to a fishing trip and providing that data to the Scottish Ministers on request.
11. The instrument establishes various prohibitions attached to any interference or tampering with the REM system or the data recorded by an REM system and creates a number of offences and penalties that are consistent with the general approach to existing fisheries legislation.
12. The instrument amends the Regulation of Scallop Fishing (Scotland) Order 2017⁵ (the 2017 Order). It revokes the REM requirements contained in article 6 of the 2017 Order 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”).
13. In addition, the instrument 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. For scallop dredge vessels without a qualifying historic track record of fishing at least once with either 9 or 10 dredges per side in the 6-12 nautical mile area within the Scottish zone between 1 January 2018 and 31 December 2020 (inclusive), as evidenced by REM equipment/data (explained further in the table below), the maximum number of scallop dredges which those vessels can deploy per side in the 6-12 nautical mile area will reduce to 8 per side (16 in total) and they will be subject to restrictions on the maximum length and number of tow bars which they can deploy when fishing in the 6-12 nautical mile area. All scallop dredge vessels fishing for king scallops in the 0-6 nautical mile area of the Scottish zone will be subject to restrictions on the maximum length and number of tow bars that they can deploy when fishing in that area.
14. The table below shows the restrictions on scallop dredge gear in the Scottish zone which will apply under the 2017 Order up until 16 June 2024 and the restrictions which will apply from 17 June 2024 onwards, once the amendments which the instrument makes to the 2017 Order come into force.

⁵ Scottish Statutory Instrument 2017/127 - <https://www.legislation.gov.uk/ssi/2017/127/made>

Sea Zone within the Scottish zone	Restrictions under the version of the 2017 Order which applies until 16 June 2024	Restrictions under the version of the 2017 Order which will apply from 17 June 2024 onwards
		<p>Note</p> <p>The REM requirements under Article 6 of the 2017 Order for certain vessels fishing for king scallops in parts of the Scottish zone are being revoked, as they are being superseded by the REM requirements which Part 2 of this instrument will impose on all scallop dredge vessels fishing for any species of scallop in the Scottish zone. Therefore, any scallop dredge vessel fishing for any species of scallop in any part of the Scottish zone will need to comply with the REM requirements imposed by Part 2 of this instrument (explained above).</p>
0 – 6 nautical miles	<p>If carrying an REM system which met the requirements of Article 6 of the 2017 Order and was fully functional at all times:-</p> <p>8 dredges per side (16 in total)</p> <p>If not carrying an REM system which met the requirements of Article 6 of the 2017 Order and was fully functional at all times:-</p> <p>8 dredges per side (16 in total) Maximum tow bar length 7.5 metres and no more than 2 tow bars deployed.</p>	<p>8 dredges per side (16 in total)</p> <p>Maximum tow bar length 7.5 metres and no more than 2 tow bars deployed</p>

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<p>6 – 12 nautical miles</p>	<p>If carrying an REM system which met the requirements of Article 6 of the 2017 Order and was fully functional at all times:-</p> <p>10 dredges per side (20 in total).</p> <p>If not carrying an REM system which met the requirements of Article 6 of the 2017 Order and was fully functional at all times:-</p> <p>8 dredges per side (16 in total).</p> <p>Maximum tow bar length 7.5 metres and no more than 2 tow bars deployed.</p>	<p>8 dredges per side (16 in total).</p> <p>Maximum tow bar length 7.5 metres and no more than 2 tow bars deployed.</p> <p>In the case of vessels that have an “historic track record” of fishing for king scallops in the 6-12 nautical mile area with 9 or 10 dredges per side, verified by REM equipment/data, the vessel may still deploy up to 10 dredges per side (20 in total) when fishing for king scallops in the 6-12 nautical mile area. These vessels will not be subject to restrictions on the maximum length and number of tow bars which they can deploy when fishing for king scallops in the 6-12 nautical mile area.</p> <p>An historical track record is defined as, at any time during the reference period from 1 January 2018 to 31 December 2020 (inclusive), having carried out at least one fishing trip fishing for king scallops while deploying 9 or 10 dredges per side within the 6 to 12 nautical mile area, while fitted with a REM system which met the requirements of Article 6 of the 2017 Order.</p>
<p>12 – 200 nautical miles</p>	<p>If carrying an REM system which met the requirements of Article 6 of the 2017 Order and was fully functional at all times:-</p> <p>14 dredges per side (28 in total)</p>	<p>14 dredges per side (28 in total)</p> <p>No change to the maximum dredge numbers which can be deployed</p>

<p>A single trip during which scallop dredges are deployed by the vessel in both the 0-12 nautical miles area and the 12-200 nautical miles area</p>	<p>8 dredges per side (16 in total). Maximum tow bar length 7.5 metres and no more than 2 tow bars deployed.</p>	<p>8 dredges per side (16 in total). Maximum tow bar length 7.5 metres and no more than 2 tow bars deployed. No change to the maximum dredge numbers which can be deployed or to the restrictions on tow bar length and number of tow bars deployed.</p>
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EU Alignment Consideration

15. The EU is taking steps to consider a role for REM in certain fisheries as part of their wider review of the EU control and enforcement regulation⁶. The instrument will advance the standards shared with the EU, creating a temporary period of divergence while it progresses its own development of REM.

Consultation

16. To comply with the requirements of paragraph 5(1) of schedule 8 of the Fisheries Act 2020, the Scottish Ministers have undertaken a 12-week public consultation which sought views 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.
17. Responses were submitted by 15 individuals and 33 organisations or groups, including conservation groups and the fishing sector and have proved helpful in providing stakeholder views on a number of key questions and developing the instrument. Recurring issues or themes raised in the consultation included ensuring that the same REM requirements were applied to all vessels within a fleet segment fishing in the Scottish zone regardless of origin, that monitoring and enforcement was consistent across Scottish and non-Scottish boats, the potential ecological and commercial benefits of using REM and dealing with system malfunctions. A full analysis report of the consultation responses⁷ and an outcome report answering the general points raised across the representations⁸ are published on the Scottish Government website. A full list

⁶ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy (OJ L 343, 22.12.2009, p. 1–50

⁷ <https://www.gov.scot/publications/analysis-consultation-marine-resources-ensuring-long-term-sustainability-remote-electronic-monitoring-rem/>

⁸ <https://www.gov.scot/publications/sg-response-consultation-marine-resources-ensuring-long-term-sustainability-remote-electronic-monitoring-rem/>

of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website.

18. Specific feedback received as part of the consultation has been used to shape the legislation, including (but not limited to) the following topics:
 - extending the lead-in time for the pelagic industry to prepare for REM requirement;
 - refining the definition of pelagic vessels to more accurately reflect the fleet segment;
 - refining the technical specifications setting out minimum standards for REM systems as part of the REM requirements that must be met; and
 - ensuring that consistent REM monitoring and enforcement is in place.
19. In addition, not all responses to the consultation resulted in a change to the legislation or policy, including (but not limited to):
 - the number of cameras required for scallop vessels - a number of consultation respondents suggested that the number of digital cameras required on a scallop dredge boat could be increased to realise the full benefits of REM, for example to monitor catch composition and discards. The Scottish Government response recognised this ambition but was clear that it had to be tempered with realistic expectations of what the technology can currently deliver, along with what and how data can be analysed considering different working environments onboard fishing vessels.
20. The Scottish Government shared the consultation document with other UK fisheries administrations, namely the UK Government, Northern Ireland Executive and Welsh Government. Further consultation on the content of the instrument has taken place, particularly around the technical specifications that vessels are required to meet. Suggestions relating to the minimum technical standard and data transmission requirements have been taken account of within the final legislative drafting.
21. In accordance with Article 36(4) of the UK General Data Protection Regulation⁹, consultation with the Information Commissioner's Office took place in 2022 and 2023 on the data protection implications of REM.
22. Guidance documents on the specific REM requirements for the scallop dredge fleet and the pelagic fleet will be published on the Scottish Government website.

Impact assessments

23. A Business and Regulatory Impact Assessment (BRIA) and Data Protection Impact Assessment have been completed, and the BRIA is attached to this instrument. An Equality Impact Assessment (EQIA) has not been completed for this instrument as there are no direct or indirect effects on specific protected characteristics set out in the Equalities legislation, and a Fairer Scotland

⁹ The assimilated Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (EUR 2016/679)

assessment is available on the Scottish Government website. The instrument has no direct or indirect effect on children or young people.

24. A full Island Communities Impact Assessment (ICIA) has not been completed as the instrument is not likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities). A Strategic Environmental Assessment (SEA) has not been completed because the instrument is likely to have no or minimal direct environmental effects.
25. When preparing this legislation, the Scottish Government has considered and had due regard to the environmental principles contained within the UK Withdrawal from the European Union (Scotland) (Continuity) Act 2021 ('the Continuity Act').

Financial effects

26. A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The costs of an REM system that meets the requirements of the technical specifications which will be specified by the Scottish Ministers under this instrument for relevant scallop boats and relevant pelagic boats will vary depending on the REM system chosen by a business and the means of data transmission. Furthermore, the configuration of the REM system - in particular the number of cameras and sensors required to meet the minimum standards set out in the technical specifications - will vary depending on factors such as a vessel's size, layout and nature of fishing operations.
27. As set out in the BRIA, the financial effects on pelagic fishing vessel businesses are not significant, representing less than 1% of the average Scottish pelagic vessel's annual net profit. The annual costs for the scallop dredge fleet, including replacement systems, represents 9% of the profit from an under 15 metre vessel and 7% of the profit from an over 15 metre vessel. Funding was provided for the cost of initial REM systems and installations on the active Scottish scallop dredge fleet due to the variability in the fleets profitability each year and to provide the owners of these vessels sufficient time to prepare for incurring future REM costs. This programme of work was initially hampered by the COVID-19 pandemic, with the majority of installations taking place 2021 - 2023.

Scottish Government
Marine Directorate
20 March 2024

Technical specifications for remote electronic monitoring (“REM”) systems for relevant pelagic boats specified pursuant to regulation 16(1) of the Sea Fisheries (Remote Electronic Monitoring and Regulation of Scallop Fishing) (Scotland) Regulations 2024

1. In exercise of Scottish Ministers’ powers at regulation 16(1) of the Sea Fisheries (Remote Electronic Monitoring and Regulation of Scallop Fishing) (Scotland) Regulations 2024 (SSI 2024/XX) (“the Regulations”) and for the purposes of Part 3 of the Regulations, the technical specifications for REM systems for relevant pelagic boats are that an REM system must include:—

a control box or storage box which is capable of—

housing and storing software; and

housing and storing, until the time at which automatic transmission is successfully completed in accordance with paragraphs 1.(7) and 1.(8), recorded data consisting of—

video recordings from digital cameras;

recorded data from winch sensors; and

recorded data from a vessel positioning system device;

a sufficient number of digital cameras positioned so as to comply with the requirements of paragraph 2, each of which—

automatically begins recording video at the time of the first activation of a winch sensor during a fishing trip;

is capable of recording video at a minimum rate of 30 frames per second;

produces video recordings with a minimum of 2 mega pixels per frame, with a minimum horizontal resolution of 1920 pixels per frame and a minimum vertical resolution of 1080 pixels per frame;

has infra-red capability which is automatically enabled and is therefore capable of recording video in low light conditions; and

has a minimum IP Rating of IP66;

winch sensors which are—

connected to the winches by which fishing gear is deployed;

activated when the winches are operated; and

capable of detecting the operation of the winches to which they are connected for the duration of the movement of the winches;

a vessel positioning system device which automatically stores in the control box or storage box, at intervals of at least once every 10 seconds, the following information:—

the relevant pelagic boat’s unique identifier;

the most recent geographical position of the relevant pelagic boat using co-ordinates of latitude and longitude on the World Geodetic System 1984

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Reference System (WGS 84)⁽¹⁰⁾ and with a position error of less than 10 metres;

the date and time of the fixing of each geographical position of the relevant pelagic boat expressed in Co-ordinated Universal Time;

the speed and course of the relevant pelagic boat at that time; and

the estimated accuracy of the fixing of each geographical position of the relevant pelagic boat;

a means of enabling the master to view the recorded data in real time on board the relevant pelagic boat on which the system is installed;

a means of allowing a British sea-fishery officer, from a position inside the wheelhouse of the relevant pelagic boat, to extract data held in the control box or storage box;

a means of automatically transmitting the recorded winch sensor data and vessel positioning system device data from the REM system to any data storage system owned, operated or hosted by or on behalf of the manufacturer of the REM system—
in real time; and

in a manner which ensures that the recorded data—

cannot be altered in any way after the data are recorded by the REM system; and

are transmitted in a secure manner;

subject to regulation 16(2) of the Regulations, a means of automatically transmitting the video recordings made by the digital cameras from the REM system to any data storage system owned, operated or hosted by or on behalf of the manufacturer of the REM system—

no later than the automatic data transmission deadline; and

in a manner which ensures that the recorded data—

cannot be altered in any way after the data are recorded by the REM system; and

are transmitted in a secure manner; and

a means of enabling the Scottish Ministers at any time, without cost to the Scottish Ministers, to—

access the recorded data on the data storage system;

extract the recorded data from the data storage system; and

review the recorded data using the companion software to the REM system.

For the purposes of paragraph 1.(2), the requirements in relation to digital cameras are that the REM system must include—

⁽¹⁰⁾ The World Geodetic System 1984 Reference System (WGS 84) is maintained by the United States National Geospatial-Intelligence Agency. This Reference System refers to the 1984 revision of the World Geodetic System and subsequent modifications. The authoritative definition of the World Geodetic System 1984 Reference System (WGS 84) is contained in the United States National Geospatial-Intelligence Agency Standardisation Document NGA.STND.0036_1.0.0_WGS84, Version 1.0.0 of 8th July 2014 entitled "Department of Defense World Geodetic System 1984: Its Definition and Relationships with Local Geodetic Systems" (<https://nsgreg.nga.mil/doc/view?i=4085>).

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digital cameras located at each of the port side, the starboard side and the stern of the relevant pelagic boat—

whose combined field of view captures all fishing activity, including the deployment and retrieval of any nets and any use of the pump; and

with a minimum of 1 digital camera located at each of the port side, the starboard side and the stern;

digital cameras located in the catch sampling area of the relevant pelagic boat—

whose combined field of view captures either—

any measuring boards and weighing scales used during the catch sampling process so that the catch sample length and weight values generated by using any such measuring boards and weighing scales during this process are legible on the resulting video recording; or

the entering of catch sample length and weight values obtained from the catch sampling process onto any electronic data collection equipment on board the relevant pelagic boat so that the values being entered are legible on the resulting video recording; and

with a minimum of 1 digital camera;

digital cameras located in the area of the relevant pelagic boat containing the separator grid—

whose combined field of view captures the passing of fish over the separator grid; and

with a minimum of 1 digital camera;

where freezing or other processing of fish is carried out on board a relevant pelagic boat, digital cameras—

whose combined field of view captures the journey of the catch from the buffer tanks, through the grading stage to any freezing activity; and

with a minimum of 1 digital camera;

digital cameras located in the pump control room—

whose combined field of view captures the information on the tank capacities, allocations and quantities of fish shown on the display screens for any chilled sea water system or any refrigerated sea water system; and

with a minimum of 1 digital camera;

digital cameras—

located in the area of the relevant pelagic boat which is designated, in any information and documentation submitted to the Scottish Ministers in accordance with regulation 14 or regulation 19 of the Regulations, as being used for, or as to be used for, the purpose of discarding any marine animals brought on board the relevant pelagic boat as a result of any fishing activity;

whose combined field of view captures all activity in that designated area relating to the discarding of such marine animals; and

with a minimum of 1 digital camera; and

digital cameras—

positioned so that, where catch is pumped on board the relevant pelagic boat from a fishing net, their combined field of view captures the cod-end of the

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fishing net so that any in-water releases of any marine animals, whether living or dead, which occur from the time that the catch begins to be pumped on board until the time at which the fishing net is empty, are visible in that combined field of view; and

with a minimum of 1 digital camera.

For the purposes of these technical specifications, the following definitions apply:-

“automatic data transmission deadline” means—

for a relevant Scottish pelagic boat, whichever is the earlier of—

the end of the period of 5 working days beginning with the time at which a fishing trip ends in accordance with regulation 13(a) of the Regulations, or
the time immediately before the relevant Scottish pelagic boat starts the first fishing trip following the fishing trip in relation to which the video recordings were recorded,

for a relevant pelagic boat which is not a relevant Scottish pelagic boat and which has undertaken a fishing trip which ended at the time that the relevant pelagic boat arrived in a port in Scotland in accordance with regulation 13(b)(ii)(aa) of the Regulations, whichever is the earlier of—

the end of the period of 5 working days beginning with the time at which the relevant pelagic boat arrived at the port in Scotland, or
the time immediately before the relevant pelagic boat starts the first fishing trip following the fishing trip in relation to which the video recordings were recorded,

for a relevant pelagic boat which is not a relevant Scottish pelagic boat and which has undertaken a fishing trip which ended at the moment when the relevant pelagic boat left the Scottish zone in accordance with regulation 13(b)(ii)(bb) of the Regulations, whichever is the earlier of—

the end of the period of 5 working days beginning with the time at which the relevant pelagic boat first arrived at a port after leaving the Scottish zone,
or
the time immediately before the relevant pelagic boat starts the first fishing trip following the fishing trip in relation to which the video recordings were recorded;

“British sea-fishery officer” means any person who by virtue of section 7 of the Sea Fisheries Act 1968 is a British sea-fishery officer;

“buffer tank” means any tank on board a relevant pelagic boat which is used to hold fish prior to processing or discharging of catch;

“cod-end” means the rearmost part of a trawl net, of net of the same mesh size, having either a cylindrical or a tapering shape, whose transversal cross-sections are nearly a circle of the same or decreasing radius respectively;

“companion software to the REM system” means any software provided by or on behalf of the manufacturer of an REM system which is capable of synchronising the winch sensor, vessel positioning system device and video recording data outputs from the REM system along a single timeline and of displaying the data in an integrated interface, including in the form of graphs, maps and videos;

“grading” means separating and sorting fish according to size or weight;

“IP rating” means ingress protection rating as defined in international standard IEC 60529, setting out degrees of protection by enclosures against harmful ingress of water⁽¹¹⁾;

“trawl” means fishing gear which is actively towed by one or more fishing boats and consisting of a net closed at the back by a bag or a cod-end; and

“separator grid” means a mechanism used to remove excess sea water from fish before they are stored in a tank forming part of a chilled sea water system or refrigerated sea water system.

Technical specifications for remote electronic monitoring (“REM”) systems for relevant scallop boats specified pursuant to regulation 6(1) of the Sea Fisheries (Remote Electronic Monitoring and Regulation of Scallop Fishing) (Scotland) Regulations 2024

In exercise of Scottish Ministers’ powers at regulation 6(1) of the Sea Fisheries (Remote Electronic Monitoring and Regulation of Scallop Fishing) (Scotland) Regulations 2024 (SSI 2024/XX) and for the purposes of Part 2 of those Regulations, the technical specifications for REM systems for relevant scallop boats are that an REM system must include:—

- (1) a control box or storage box which is capable of—
 - (a) housing and storing software, recorded data consisting of video recordings from digital cameras and recorded data from winch sensors and a vessel positioning system device;
 - (b) storing the recorded data from the winch sensors and vessel positioning system device until the time at which automatic transmission is successfully completed in accordance with paragraph (7); and
 - (c) storing the recorded data consisting of video recordings from digital cameras until whichever is the later of—
 - (i) the time at which automatic transmission is successfully completed in accordance with paragraph (8); or
 - (ii) the end of the period of 1 year beginning with the time at which a video recording was recorded;
- (2) digital cameras whose combined field of view when recording video captures fishing and related activities on board the relevant scallop boat, including all movements related to the setting and hauling of fishing gear from the relevant scallop boat—
 - (a) with a minimum of 1 digital camera; and
 - (b) where each digital camera—
 - (i) is capable of recording video at a minimum rate of 5 frames per second;
 - (ii) produces video recordings with a minimum of 2 mega pixels per frame, with a minimum horizontal resolution of 1920 pixels per frame and a minimum vertical resolution of 1080 pixels per frame;

⁽¹¹⁾ Edition 2.2: International Electrotechnical Commission, 2013.

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- (iii) has infra-red capability which is automatically enabled and is therefore capable of recording video in low light conditions; and
 - (iv) has a minimum IP Rating of IP66⁽¹²⁾;
- (3) winch sensors which are—
- (a) connected to the winches by which fishing gear is deployed;
 - (b) activated when the winches are operated; and
 - (c) capable of detecting the operation of the winches to which they are connected for the duration of the movement of the winches;
- (4) a vessel positioning system device which automatically stores, at intervals of at least once every 10 seconds, the following information:—
- (a) the relevant scallop boat's unique identifier;
 - (b) the most recent geographical position of the relevant scallop boat using co-ordinates of latitude and longitude on the World Geodetic System 1984 Reference System (WGS 84)⁽¹³⁾ and with a position error of less than 10 metres;
 - (c) the date and time of the fixing of each geographical position of the relevant scallop boat expressed in Co-ordinated Universal Time;
 - (d) the speed and course of the relevant scallop boat at the time of the fixing of each geographical position; and
 - (e) the estimated accuracy of the fixing of each geographical position of the relevant scallop boat;
- (5) a means of enabling the master to view the recorded data in real time on board the relevant scallop boat on which the system is installed;
- (6) a means of allowing a British sea-fishery officer⁽¹⁴⁾, from a position inside the wheelhouse of the relevant scallop boat, to extract data held in the control box or storage box;
- (7) a means, when the relevant scallop boat is within range of, has access to, or is connected to any means of transmission, of automatically transmitting the recorded winch sensor data and vessel positioning system device data—
- (a) from the REM system to any data storage system owned, operated or hosted by or on behalf of the manufacturer of the REM system; and
 - (b) in a manner which ensures that the recorded data—
 - (i) cannot be altered in any way after the data are recorded by the REM system; and
 - (ii) are transmitted in a secure manner;

⁽¹²⁾ "IP rating" means ingress protection rating as defined in international standard IEC 60529, setting out degrees of protection by enclosures against harmful ingress of water (Edition 2.2: International Electrotechnical Commission, 2013).

⁽¹³⁾ The World Geodetic System 1984 Reference System (WGS 84) is maintained by the United States National Geospatial-Intelligence Agency. This Reference System refers to the 1984 revision of the World Geodetic System and subsequent modifications. The authoritative definition of the World Geodetic System 1984 Reference System (WGS 84) is contained in the United States National Geospatial-Intelligence Agency Standardisation Document NGA.STND.0036_1.0.0_WGS84, Version 1.0.0 of 8th July 2014 entitled "Department of Defense World Geodetic System 1984: Its Definition and Relationships with Local Geodetic Systems" (<https://nsgreg.nga.mil/doc/view?i=4085>).

⁽¹⁴⁾ "British sea-fishery officer" means any person who by virtue of section 7 of the Sea Fisheries Act 1968 is a British sea-fishery officer.

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(8) a means of transmitting the video recordings made by the digital cameras from the REM system to any data storage system owned, operated or hosted by or on behalf of the manufacturer of the REM system—

- (a) in a manner which ensures that the recorded data—
 - (i) cannot be altered in any way after the data are recorded by the REM system; and
 - (ii) are transmitted in a secure manner; and
- (b) which either—
 - (i) occurs automatically when the relevant scallop boat is within range of, has access to, or is connected to any means of transmission; or
 - (ii) following the Scottish Ministers using the companion software to the REM system to remotely select recorded data stored on the REM system to be automatically transmitted, occurs automatically at the time when the relevant scallop boat is next within range of, has access to, or is connected to any means of transmission after that selection being made; and

(9) a means of enabling the Scottish Ministers at any time, without cost to the Scottish Ministers—

- (a) to access the recorded data on the data storage system;
- (b) to extract the recorded data from the data storage system;
- (c) to review the recorded data using the companion software to the REM system; and
- (d) where the REM system is of a type which transmits video recordings via the procedure set out in paragraph (8)(b)(ii), to use the companion software to the REM system to remotely select recorded data to be automatically transmitted via that procedure.