

**ANGUS COUNCIL**

**ROADS COMMITTEE**

**30 APRIL 1998**

**SCOTTISH FISHERIES PROTECTION AGENCY : FISHERIES ENFORCEMENT**  
**CONSULTATION ON INTRODUCTION OF DESIGNATED PORTS**  
**FOR VESSELS OF 20 METRES OVERALL LENGTH AND ABOVE**

**REPORT BY THE DIRECTOR OF ROADS**

**ABSTRACT**

This report puts forward a proposed response seeking to have Arbroath Harbour included in a list of proposed designated ports via the Scottish Fisheries Protection Agency for vessels of 20 metres overall length or above.

**1 RECOMMENDATIONS**

It is recommended that the Committee:

- (i) agree to the Director of Roads forwarding the letter as detailed in Appendix A as the response to the Scottish Fisheries Protection Agency.

**2 INTRODUCTION**

In March 1998 the Scottish Fisheries Protection Agency invited comments from organisations on proposals to introduce designated ports for vessels of 20 metres overall length and above landing fish in the UK.

These measures reflect the Government's wish to tackle the problem of undeclared landings which are damaging the conservation of fish stocks.

### 3 DETAILS

- (i) The Scottish Fisheries Protection Agency (SFPA) has already made the decision to close their local SFPA Office. This may well have influenced the preliminary decision to exclude Arbroath from the list of designated ports as was apparent in the consultation document received from them on 3 March 1998.
- (ii) Arbroath Harbour is still the home port of a number of larger vessels (over 20 metres), albeit that in many instances they currently operate from Peterhead and Aberdeen. This is caused to an extent by the current restricted access to Arbroath Harbour.
- (iii) To overcome the restricted access to the harbour, Angus Council is currently reviewing the option of dredging the main channel to facilitate larger vessels on a non-tidal basis. This is being investigated as part of an overall harbour development plan.
- (iv) If Arbroath is not listed as a designated port for vessels of 20 metres or over then such plans for the dredging of the main channel (as outlined in (iii) above) would clearly be detrimentally affected.
- (v) It does not seem clear why the proposed plan does not have a designated landing port between Pittenweem and Aberdeen. Indeed if this were to be the final outcome then this could lead to increased vessel operating costs and even safety implications.
- (vi) It is therefore believed that Arbroath should be designated as a fish landing harbour.

### 4 FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

## 5 CONSULTATION

The Chief Executive, the Director of Law and Administration and the Director of Finance have been consulted in the preparation of this Report.

## 6 CONCLUSIONS

It is concluded that the Angus Council response to the Scottish Fisheries Protection Agency consultation document on designated ports for vessels of 20 metres overall length or over should reinforce the case for Arbroath Harbour to be included as a designated port.

Dr Bob McLellan  
DIRECTOR OF ROADS

### NOTE

No background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

BMcL/JSG  
20 April 1998  
REPORTS/sfpa



BMcL/JSG

APPENDIX A



1 May 1998

Scottish Fisheries Protection Agency  
Pentland House  
47 Robb's Loan  
Edinburgh  
EH14 1TY

fao - Mr David Terry, Room 525

**ROADS**

Director: Dr Bob McLellan

County Buildings  
Market Street  
Forfar DD8 3WR

DX 530678 Forfar

Tel 01307 461460  
Fax 01307 473388

Dear Sir

**FISHERIES ENFORCEMENT**

Reference is made to Mr P E Du Vivier's letter dated 3 March 1998 and attached consultation paper.

On behalf of Angus Council, owners of Arbroath Harbour, I would welcome the opportunity to comment on the proposals outlined in the attached paper. However, at the outset, I must state that I believe such an exercise to be of limited value bearing in mind that the Scottish Fisheries Protection Agency (SFPA) has already made the decision to close the local SFPA office. The closure has no doubt influenced the provisional decision to exclude Arbroath from the list of designated ports.

Arbroath has been a principle fishing port for over 100 years. Whilst you correctly state that the port has seen a steady decline in fish landings during the past decade, it is still the home port of a number of larger vessels (over 20 metres) albeit they presently operate from Peterhead and Aberdeen. The decision to operate away from their home base is not so much to do with lack of resources or buyers in the Arbroath area but more to do with restricted access to Arbroath Harbour. To overcome this predicament, Angus Council is now reviewing the option of dredging the main channel to facilitate the berthing of these larger vessels on a non tidal basis. The non designation of Arbroath could therefore have a detrimental impact on these plans.

It is the opinion of the Council that the closure of the SFPA office and non designation of Arbroath as a fishing port was made with undue haste, lack of local input and without consideration of the long term development potential of central east Scotland. The proposed plan to have no designated landing port between Pittenweem and Aberdeen does not seem logical. The outcome of such a decision can only lead to increased vessel operating costs and may have safety implications.

From a harbour operator's position, it would seem that the designated port initiative has been designed for the purpose of policing the catching sector and penalising the smaller ports. It is

our opinion, that whilst it was imperative that the 'black' fish trade be eradicated, it could have been more easily accomplished if buyers of the 'black' product had been threatened with prosecution as is the case with other legal codes. It is difficult to understand how the SFPA can impose restrictive practices on one party (including dependent ports) whilst the other seems to have little or no legal obligation placed upon them.

Finally, on behalf of Angus Council, I would again request that you reconsider the following points:

- Reopen the SFPA Arbroath Office, and
- Designate Arbroath as fish landing harbour.

Yours faithfully

Dr Bob McLellan  
Director of Roads

cc D Gibson, Harbour Master



# SCOTTISH FISHERIES PROTECTION AGENCY

An Executive Agency of the Secretary of State for Scotland

To Industry Organisations  
Local Authorities  
Harbour Authorities  
Vessel Owners (Vessels over 20m overall length)

Pentland House  
47 Robb's Loan  
Edinburgh EH14 1TY

Telephone 0131 244  
Fax 0131 244 6086

Dear Sir/Madam

3 March 1998

## FISHERIES ENFORCEMENT

1. I am writing to invite your comments by 15 May on proposals to introduce designated ports for vessels of 20 metres overall length and above landing fish into the UK except those fishing for pelagic species which are already covered by other arrangements. These measures reflect the Government's commitment to tackle the problem of undeclared landings which are damaging the conservation of fish stocks.
2. The proposals are set out in the enclosed consultation paper. As explained in a statement to Parliament today, Ministers would welcome the views of industry, local authorities and other organisations with fishing industry interests before taking final decisions on the implementation of the controls. A copy of the Government's statement, which covers some other enforcement matters, as well as designated ports, is enclosed for your information.
3. Comments should be sent to Mr David Terry, Room 525 at the above address. Vessel owners may wish to make their views known through their representative organisations and, if appropriate, the producer organisations to which they belong.
4. Recipients should note that the Agency is seeking comments from all interested parties. This paper should therefore be circulated by recipients to any other authorities or organisations who they believe may have an interest in these proposals.
5. In common with all public consultation documents, responses will be made available for public scrutiny through the Scottish Office Library in St Andrew's House, Edinburgh. However any requests that responses should be treated confidentially will be respected. Respondents should therefore make clear if all or parts of their views should be treated as confidential so that these are not made available publicly.

Yours faithfully

P E DU VIVIER  
Chief Executive

P.E. Du Vivier, Chief Executive

J.B. Roddin, Director of Corporate Strategy & Resources. R.J. Walker, Director of Operations  
Capt W. A. Brown, Superintending Captain.





# CONSULTATION PAPER ON THE SCOTTISH FISHERIES PROTECTION AGENCY AND FISHERIES DEPARTMENTS' PROPOSALS FOR THE INTRODUCTION OF A SYSTEM OF DESIGNATED PORTS FOR ALL LANDINGS, EXCEPT PELAGIC, BY VESSELS 20m OVERALL LENGTH AND ABOVE

## Introduction

1. At the high level talks which Ministers held with leaders of the fishing industry on 15 July last year, it was made clear that the Government was determined to tackle the problem of undeclared landings which are damaging the conservation of fish stocks and threaten the long term future of the UK fishing industry.
2. Ministers explained that the Fisheries Departments would therefore consider proposals for strengthening current monitoring and control arrangements within the UK and that the industry would be consulted fully on any national measures proposed before final decisions were taken.
3. This paper sets out proposals for the introduction of national enforcement measures involving a system of designated ports for larger vessels landing fish into the UK. These proposals do not apply to vessels fishing for pelagic species which are already covered by other arrangements. In drawing up these measures the Agency and Fisheries Departments had two main aims:
  - (i) to ensure that they would be effective in conserving fish stocks by reducing the opportunity for undeclared landings to be made; and
  - (ii) to ensure that they are kept simple and do not interfere unnecessarily with the legitimate activity of the fishing industry.
4. The intention has been to devise a balanced set of control measures which meet these two aims. However, it must be recognised, that if they are to be effective in conserving fish stocks and combating illegal activity any additional control measures will to some extent impact on the activities of certain sectors of the UK fleet. This is unavoidable, but what is clear is the importance that all sides of industry and Government should work together to tackle the problem of undeclared landings with a view to protecting the long term interests of all sectors of the industry.

## Vessels to which the measures will apply

5. After careful consideration it is proposed that initially, at least, the measures should apply to larger vessels ie 20m overall length and above (except those fishing for pelagic species). Such vessels account for over 70 % of the total tonnage and 65% of the total value of non-pelagic landings into the UK made by the over 10 metre fleet. Since the trips of most of the vessels involved last more than 24 hours the measures should not impose any significant burden on the industry. The pelagic sector is restricted already to management arrangements relating to named landing and trans-shipment ports.

## Requirements for vessels landing into UK ports

6. Effective enforcement is made more difficult by the length of the UK coastline and the large number of locations at which landings may currently be made. It is proposed therefore that the main thrust of the new control measures should focus on the point of landing by means of a system of designated and non designated ports.

### Designated ports

7. Vessels of 20 metres overall length and above will be permitted to land at any designated port listed in Appendix 1 during the designated landing times specified for each port. Where appropriate (e.g. for larger ports), landings into designated ports will be restricted to designated landing locations within a port: these are also specified in Appendix 1. The designated ports represent those ports at which approximately 90% of all non-pelagic landings in terms of tonnage and value are already made. The designated landing times have been drawn up to reflect the normal working practices at each port. With two exceptions, designated landing ports are those at which the Agency currently has a Sea Fisheries Inspectorate office. Following a review of activity at the port of Arbroath, where whitefish landings have dropped steadily over the last decade, it is proposed to close the local SFI office. The port of Scalloway has been included to reflect the significant volume of landings at that port.

8. Vessels of 20 metres overall length and above will also be permitted to land at designated ports, outside designated landing locations (where appropriate) and outside designated landing times. However, such landings will be subject to stricter controls and it is proposed that the same requirements as for landing into non-designated ports set out at paragraph 11(i)-(iv) will apply.

9. In all cases, before discharge of catch commences the Master shall ensure that his logsheet(s) for the fishing trip are up to date. For landings at designated ports within designated landing locations (where appropriate) and within designated landing times, the master will be obliged to submit the pink copy of his completed logsheet(s) into a logbook post box which will be located close to the designated landing location. Vessels, including those outside the scope of these control measures (ie those under 20 metres), may also make use of the post box as a simple and convenient method of submitting their logsheets to the control authorities, as they are required to do.

### Non designated ports

10. Although the vast majority of vessels of 20m overall length and above historically land at the proposed designated ports, it is recognised that a number of vessels operate from and land at non-designated ports. The Scottish Fisheries Protection Agency and Fisheries Departments do not propose to interfere with this practice but consider it important, if the measures are to be effective in controlling undeclared landings of fish, that such landings must be subject to stricter control requirements.

11. It is proposed, therefore, that vessels of 20 metres overall length and above may land at any non-designated port subject to compliance with the following control requirements:

- (i) the Master of the vessel must give prior notification to the SFPA or Fisheries Departments of the vessel's name, PLN (port letter number), name of person sending the message and

port of landing. Such notification should be made by either radio, telephone or electronic text message, sent over the satellite line for vessels with satellite communication facilities. The contact numbers and addresses will be notified to all Masters and vessel owners and included in fishing vessel licences;

- (ii) for each notification message sent by radio or telephone, the Master will automatically be provided with a unique number and the date and time of notification which he must record clearly in his logbook. For electronic text messages, the Master would be required to record in his logbook the unique message reference number, date and time of message which for Inmarsat C can be obtained from the log on the satellite terminal. The means for receiving and identifying messages sent over other satellite carriers would be established if required.
- (iii) discharge of the catch may only commence 4 hours after the date and time of notification to the Agency and Fisheries Departments and be completed within 8 hours of that date and time i.e. there will be a 4 hour window in which to complete discharge of the catch.
- (iv) if for any reason there is a need to change the port of landing and/or the required time of discharge the Master of the vessel must re-notify his revised vessel landing intentions. Authority to discharge catch will only be effective 4 hours after the last message is received.

12. Arrangements for sending prior notification messages to the Agency and Fisheries Departments and estimated costs are explained in Appendix 2.

13. There will be no requirement to post a copy of the logsheet in a port post box and logsheets should be submitted to the SFPA and Fisheries Departments in the normal way. However, it will be a condition of the fishing vessel licence that a British Sea Fishery Officer may require the pink copy of the completed logsheets to be submitted for retention to the inspecting BSFO before discharge of catch commences. **This provision also applies in respect of landings made at designated ports outside designated landing locations (where appropriate) and outside designated landing times.**

#### **Implementation of the measures**

14. The control measures described in this paper, which are subject to clearance by the European Commission, will be included as conditions of fishing vessel licences and it is proposed that they take effect from July 1998.

15. Responsibility for monitoring compliance with the measures will rest with the Scottish Fisheries Protection Agency, the MAFF Sea Fisheries Inspectorate and the Fisheries Inspectorate for Northern Ireland.

### **Arrangements for review**

16. The new control measures will be kept under review by the Agency and Fisheries Departments to assess their effectiveness and practicality. It may be necessary for Ministers to make changes to any aspect of these measures if that is considered necessary in order to ensure that their aims are achieved. In any event, the possibility of extending the arrangements to vessels of less than 20m will be considered in 2001. At the same time the coverage of satellite monitoring will be reviewed.

**SCOTTISH FISHERIES PROTECTION AGENCY**  
**March 1998**

## LIST OF DESIGNATED PORTS

### ENGLAND AND WALES

Port	Designated landing times	Designated landing locations (where appropriate)
North Shields	1700-2300 (Mon-Fri)	Fish Quay, Gut & West Quay
Scarborough	0001-0700 (Mon-Fri)	West Pier & North Wharf
Humberston (Hull and Grimsby)	0001-0700 (Mon-Fri) 0001-0700 (Mon-Fri)	Hull, Albert Dock Grimsby, Fish Dock Market Quay
Lowestoft	0001-0700 (Mon-Fri)	Waveny Dock
Plymouth	0600-2000 (Mon-Fri)	Sutton Harbour, New Fish Market
Brixham	2000-0400 (Mon-Fri)	New Fish Market Quay & extension
Newlyn	0500-0900 (Mon-Sat)	Newlyn Harbour
Milford Haven	0800-1700 (Mon-Fri)	Hamilton Dock, Fish Quay
Fleetwood	2200-0600 (Mon-Fri)	Wyre Fish Dock

### SCOTLAND

Eyemouth	0001 Mon-1700 Fri	Eyemouth Harbour
Pittenweem	0001 Mon-1700 Fri	Pittenweem Harbour
Aberdeen	0001 Mon-0900 Fri	Palmerston Quay & Commercial Quay
Peterhead	0001 Mon-0900 Sat	Peterhead Harbour excluding Peterhead Bay Harbour
Fraserburgh	0001 Mon-0900 Sat	Fraserburgh Harbour
Buckie	0001 Mon-0800 Sat	Buckie Harbour
Kirkwall	0900-1600 (Mon-Fri)	Kirkwall Harbour
Scrabster	0700-2300 (Mon-Fri)	Scrabster Harbour
Lerwick	0400-1700 (Mon-Fri)	All Piers, Quays and Docks within harbour limits excluding those in Dales Voe
Scalloway	0400-1600 (Mon-Fri)	Scalloway Harbour
Kinlochbervie	1200-2200 (Mon-Thur) 0800 Fri-1600 Fri	The new fishmarket quay lying to the north of the ice factory quay
Lochinver	1200-2200 (Mon-Fri)	Lochinver Harbour
Ullapool	1200-2200 (Mon-Fri)	Ullapool Harbour
Stornoway	1200-2200 (Mon-Fri)	Stornoway Harbour
Mallaig	1200-2300 (Mon-Fri)	Mallaig Harbour
Oban	1200-2200 (Mon-Fri)	Oban Harbour
Campbeltown	1200-2300 (Mon-Fri)	Old Pier
Portree	1200-2200 (Mon-Fri)	Portree Harbour
Troon	1200-2200 (Mon-Fri)	Troon Harbour

### Northern Ireland

Ardglass	0900-2100 (Mon-Fri)	The Fish Market
Kilkeel	0600-2200 (Mon-Fri)	The Fish Market
Portavogie	0900-2100 (Mon-Fri)	The Fish Market



## **NOTIFICATION ARRANGEMENTS**

### **Type of message permitted**

1. Messages may be sent by one of the following methods:
  - (a) electronic text messages for vessels with satellite messaging facilities;
  - (b) telephone (e.g. cellphone);
  - (c) radio.

### **Notification using electronic text messages**

2. Vessels with satellite messaging equipment on board, such as Inmarsat C, will be able to notify the SFPA and Fisheries Departments by sending an electronic text message over the satellite link. For each message sent using Inmarsat C a unique message reference number, date and time of message will be stored on the log on the satellite unit on the vessel and must be recorded in the logsheet(s) (similar arrangements for sending electronic text messages using non Inmarsat C terminals would be established if necessary). The address for sending electronic text messages will be contained in fishing licences. Detailed instructions for sending the messages will be issued nearer the time.

### **Notification by radio or telephone**

3. Notification may also be made either direct by telephone or by radio via a coastal radio station. On receipt of the prior notification message sent by radio or telephone the Master will automatically be given a unique number, date and time which must be recorded in the logsheet(s). Dedicated telephone numbers for these notifications will be listed in fishing vessel licences.

### **Outline of likely messaging costs to fishermen**

4. Any additional costs for fishermen are expected to be small, and will only apply in respect of landings made into designated ports outside designated landing times (and where appropriate outside designated landing locations) and into non designated ports where a prior notification message is required to be submitted. These message costs will vary depending on the method by which they are sent, but are estimated to be:

- £0.68 per message for vessels using satellite communication facilities
- £7.93 per message for vessels using marine radio
- £0.75 per message for vessels using cellphone.

## DRAFT NEWS RELEASE

### CONSERVING FISH: MORLEY TARGETS ILLEGAL LANDINGS

New moves to save fish stocks by curbing the illegal landing of fish were put forward today by Fisheries Minister Elliot Morley.

The moves are aimed at cracking down on fishermen who undermine conservation efforts by landing more than their allocated quotas.

Larger vessels, which account for more than 70 per cent of the fish landed in the UK by the over 10 metre fleet, would be required to land at designated ports or give advance notice of their arrival so that fisheries inspectors can check their landings.

The majority of fishing vessels, which are under 20 metres in length, would be exempt from the new proposals.

The new arrangements will be kept under close review to ensure that they are effectively meeting the desired objectives.

The proposals are intended to run alongside an initiative by the UK to improve fisheries enforcement across Europe as one of its EC Presidency priorities.

Announcing the proposals in reply to a Parliamentary Question from Stephen Timms MP, East Ham Mr Morley said:

“The Fisheries Departments and the Scottish Fisheries Protection Agency are currently spending some £25 million a year on fisheries enforcement, primarily on monitoring the application of the Common Fisheries Policy and ensuring that measures designed to conserve fish stocks and to safeguard the long term interests of the fishing industry are respected.

Our present enforcement arrangements are highly regarded and I would like to pay tribute to the dedication of our UK fishery officers on shore and those at sea, including the Royal Navy and the SFPA Marine Service. There is, however, no room for complacency. Enforcement must be effective and since taking office this Government has made clear its determination to tackle the problems created by undeclared landings of fish.

Last year we announced that we would be introducing a new licence condition prohibiting the discarding of stowed fish. That took effect from 1 January this year. We also advised that we would be assisting the Marine Safety Agency with checks for vessel safety certificates and crewing certificates. Checks by British Sea Fishery Officers on vessel safety certificates will begin in April and those for crewing certificates in June.



Progress is being made with the requirements for the introduction of satellite monitoring. The Fisheries Departments expect to award a contract for the establishment of a vessel tracking system in the next two months. That system should be operational by mid summer and within 18 months will monitor the movements of all UK vessels over 24 metres as well as those from other Member States operating in our waters. This will allow us to make more effective use of the resources we devote to aerial surveillance and inspections at sea.

Similarly we need to make the best use of the resources we devote to port surveillance. We believe that the effectiveness of our land based Inspectorates would be significantly improved by introducing a system of designated ports and discharge times for all non pelagic landings made by vessels of 20 metres overall length and above. These vessels account for over 70% of the total tonnage and 65% of the total value of non pelagic landings into the UK made by the over 10 metre fleet, and the ports that will be designated will cover over 90% of such landings. Nonetheless, we recognise that there are some vessels which are based at or land into non designated ports. We shall continue to permit this subject to these vessels providing a minimum of four hours notice of the discharge of their catch. A consultation paper setting out our proposals is being issued to the fishing industry and copies have been placed in the libraries of both Houses. These arrangements, which will be subject to clearance with the European Commission, will complement those which already exist for the landing of pelagic species where the operation of designated ports, coupled with more rigorous surveillance at sea and separate area licensing has had a significant impact on addressing undeclared landings in the pelagic sector. The new control measures will be kept under close review by the Fisheries Departments to ensure that they are effective and practical and that they are meeting the desired objectives.

Apart from introducing designated ports we continue to keep under review other measures for strengthening enforcement in the UK. This includes improving the arrangements for the submission of sales note data which has been a Community requirement since 1994. Further consideration will also be given to the adoption of a system of administrative penalties for fisheries offences. Such arrangements, which would need to be the subject of consultation with the fishing industry, would depend on changes being made to existing legislation so that action could be taken in respect of offences other than breaches of licence conditions.

Although action is being taken to improve the effectiveness of our national enforcement arrangements, the Government is equally committed to raising enforcement standards throughout the Community. If the CFP is to succeed it is essential that fishermen should be subjected to the same level of control wherever they land. To this end we have been intensifying co-operation on enforcement with other Member States. Also, I am pleased to say that the Commission has now issued a report on fisheries monitoring under the CFP in time for discussion at the March Fisheries Council. That report reviews the operation of the existing fisheries enforcement arrangements in the Community and sets out a programme of action to improve control leading to a fairer and more effective enforcement regime. We will seek to take this work forward during the remainder of the UK Presidency."

