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Our ref: FoI/18/01093
8 May 2018

[redacted]

REQUEST UNDER THE ENVIRONMENTAL INFORMATION (SCOTLAND)

REGULATIONS 2004 (EIRs)

Thank you for your request dated 26 March 2018 under the Environmental Information (Scotland) Regulations 2004 (EIRs).

Your request

You asked for:

- "Number of incidents reported to Marine Scotland of suspected or actual infringements of MPA fisheries management rules (hereafter 'incidents') since 22 May 2017 until present day.
- The number of reported incidents which were subsequently investigated by Marine Scotland.
- The number of individual vessels these incidents relate to, including those reported to Marine Scotland between 16 August 2015 to present day.
- The names of the MPAs in which these incidents have been reported, and the number of incidents reported at each MPA.
- The number of incidents reported relating to fishing with a) trawling gear, b) dredging gear, c) creeling gear, and d) any other form of fishing"

As the information you have requested is 'environmental information' for the purposes of the Environmental Information (Scotland) Regulations 2004 (EIRs), we are required to deal with your request under those Regulations. We are applying the exemption at section 39(2) of the Freedom of Information (Scotland) Act 2002 (FOISA), so that we do not also have to deal with your request under FOISA.

Victoria Quay, Edinburgh EH6 6QQ
www.gov.scot/marinescotland

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This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption, because there is no public interest in dealing with the same request under two different regimes. This is essentially a technical point and has no material effect on the outcome of your request.

Reply

I enclose a copy of all of the information you requested. It can be found at the annex.

Your right to request a review

If you are unhappy with this response to your EIRs request, you may ask us to carry out an internal review of the response, by writing to Graham Black, Director of Marine Scotland, Area 1B South, Victoria Quay, Edinburgh EH6 6QQ.

Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at: http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx.

[redacted]

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ANNEX

Points to note in terms of reports:

- Reports are seldom “real time” but often after the event so the prospect of immediate action is reduced;
- A report does not mean that illegal activity has taken place;
- A report does not mean there is even a vessel in the MPA, or in a certain section of the MPA;
- A number of the reports don’t identify the vessel which impacts on what can be done;
- Some of the MPAs have ports in them (Loch Sunart to Sound of Jura has Oban and Wester Ross has Ullapool) so there will be fishing vessels moving through the MPA quite legitimately;
- There is not usually a clear “line of sight” through a single report all the way to enforcement action.

1. Number of incidents reported to marine scotland of suspected or actual infringements of MPA fisheries management rules (hereafter ‘incidents’) since 22 May 2017 until present day

23

2. Number of incidents subsequently investigated by Marine Scotland Compliance

All incidents are followed up. All reports from our own sources and members of the public are immediately assessed to see if immediate action is possible. If resources (aircraft or vessel) are available they are re-tasked to gather evidence and, if possible, detain any suspect boats. Whether or not immediate action is possible, all reports and intelligence received is fed into the Marine Scotland Compliance’s Intelligence Database (MSID). All of this information is graded and assessed at a regular risk assessment and tasking session where priorities and tasks for coastal officers, ships and aircraft are decided. Local officers also follow-up intelligence reports from their area at a local level.

3. The number of individual vessels these incidents relate to, including those reported to Marine Scotland between 16 August 2015 to present day

45 identified vessels alleged, plus 19 reports of unidentified vessels. Of these 45 vessels, 4 of them are responsible for 32 reports of alleged incursions. The biggest offender (15 reports) has been compliant since action was taken against him last year.

4. The names of the MPAs in which these incidents have been reported, and the number of incidents reported at each MPA

MPA	Number of reports
East Mingulay	3
Loch Creran MPA	3
Loch Sunart to Sound of Jura MPA (and Firth of Lorne SAC)	22
Loch Sween MPA	5
South Arran MPA	38
St Kilda MPA	1
Upper Loch Fyne and Loch Goil MPA	10
Wester Ross MPA	5

5. The number of incidents reported relating to fishing with a) trawling gear, b) dredging gear, c) creeling gear, and d) any other form of fishing

Gear Type	Number of Reports
Trawl	18
Dredge	27
Creel	14
Other	1
Unknown / unidentified	39