



# Marine Scotland

## Guidelines for Marking Static Gear Deployed Within 12 Nautical Miles of Scottish Baselines

August 2018

## **Introduction**

In December 2015, the Cabinet Secretary announced recommendations on dealing with gear conflict (<http://www.gov.scot/Publications/2015/12/4724>). These included looking at good practice and possible legislative changes to the marking of static gear inside 12 nautical miles.

Marine Scotland held discussions with three industry working groups, formed specifically to consider options on this topic – one east coast, one west and one for the Western Isles, Orkney & Shetland. While the majority of the organisations, associations and individuals who attended the group meetings did support the proposals some parties did express concerns.

These proposals were therefore consulted on from November 2016 to February 2017 to give all fishermen the opportunity to consider and comment on them.

Whilst overall there was support for the proposals as set out in the consultation it was clear that in some circumstances the proposals, if adhered to, might cause gear loss in adverse weather or during strong tides.

Clearly it would be unreasonable to legislate and place fishermen in a position of having to choose between complying with legislation and risk losing gear, and breaching regulations to avoid loss.

Marine Scotland is therefore issuing guidelines which set out best practice for marking static gear. We believe that these guidelines strike a balance to ensure gear is visible and reduce the risk of accidental gear conflict. However, a small number of fishermen may wish to mark their gear at variance to the guidelines due to local conditions, either at certain times of the year or in particular geographic positions. These guidelines are of course in addition to any statutory requirements on gear marking.

It is clear that some fishermen are marking gear using inappropriate equipment that result in poor visibility and/or poorly secured marking equipment. Marine Scotland will introduce regulations (The Marking of Static Gear (Scotland) Order 2019) which will ban the use of equipment not manufactured for the purpose of marking fishing gear. Gear should therefore no longer be marked with objects such as milk cartons or netted footballs, for example.

This legislation will also require unlicensed fishermen to mark their gear with a unique reference number which can be obtained from the local Marine Scotland Fishery Office, and licensed fishermen will be required to mark gear with the port letter number (PLN) in the case of licensed fishermen.

### **Guideline 1:**

For a fleet of static gear, fishing for *Nephrops*, deployed within 12 nautical miles from Scottish Baselines, by either licensed or unlicensed vessels, each end of the fleet must be marked with at least 1 brightly coloured inflatable buoy with a minimum diameter of 38 cm (15") or circumference of 122 cm (48") - (A2 size). The optional deployment of dhans with flags at either or both ends would meet this minimum requirement.

The intention of the new minimum sized marker buoys and floats is that they reduce accidental gear conflict and entanglement of propeller shafts, as deployed static gear which meets the new minimum standards would be more visible.

### **Guideline 2:**

For static gear, fishing for species other than *Nephrops*, deployed at depths of 27 metres and greater, at mean low water springs, within 12 nautical miles from Scottish Baselines, by either licensed or unlicensed vessels, each end of the fleet must be marked with at least 1 brightly coloured inflatable buoy with a minimum diameter of 29 cm (11") or circumference of 92 cm (36") - (A1 size). The optional deployment of dhans with flags at either or both ends would meet this minimum requirement.

### **Guideline 3:**

For static gear, fishing for species other than *Nephrops*, deployed at depths of less than 27 metres, at mean low water springs, within 12 nautical miles from Scottish Baselines, by either licensed or unlicensed vessels, each end of the fleet must be marked with at least 1 purse seine or trawl float with a minimum diameter of 7 cm (3") or circumference of 22 cm (9"). The optional deployment of dhans with flags at either or both ends would meet this minimum requirement.

## **Gear Marking**

Where the static gear belongs to a licensed fishing vessel, buoys or purse seine/trawl floats in use have the vessel's port letter number (PLN) painted legibly on them.

The requirement to paint port letter number (PLN) or equivalent, legibly on all marker buoys and floats is useful across the fishing industry, as it enables fishermen to return gear that is towed away, alert owners to its location and/or to compensate the owner for damage and/or loss. The PLN marking or equivalent will also help Marine Scotland Compliance to identify who has deployed their gear in an unauthorised area and/or to remove unmarked gear.

Where the static gear belongs to an unlicensed fishing vessel, buoys or purse seine/trawl floats must have a unique reference number, issued by a Fishery Office, painted legibly on them.

Unlicensed fishermen should obtain a unique reference number from a Fishery Office. This number will be unique to an individual and once issued could be used on all gear deployed by that individual.



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