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Dear Mr Firth

Thank you for your further letter of 27 February to the First Minister about fishing in Marine Protected Areas and the “legacy of environmental damage caused by inadequate special regulation”. You noted that you were disappointed with the earlier response from colleagues in Sea Fisheries policy with regard to your initial letter to the First Minister. Therefore, rather than repeat its contents, I have restricted this letter to compliance related issues.

I should emphasise first of all that the protection of Marine Protected Areas is, and remains, a priority for Marine Scotland, particularly from a compliance perspective. Marine Scotland Compliance takes seriously all information and intelligence provided to it. All reports are immediately assessed to see if immediate action is possible. If resources (aircraft or vessel) are available they can be re-tasked to gather evidence and, if possible, detain any suspected boats.

Whether or not such immediate action is possible, all reports and intelligence are fed into the Marine Scotland database. All of this information is graded and assessed at a regular risk assessment and tasking session where priorities and tasks are decided. Local officers also follow up intelligence and reports in their areas at the local level so even if no other action is possible some form of action is undertaken.

I would like to turn to some specific examples of our response to intelligence received from groups such as your own. In April last year we received intelligence to the effect that there was suspected illegal activity within the Loch Sunart to Sound of Jura MPA. Our aircraft was immediately diverted and re-tasked to the area. On arrival shortly thereafter it found all suspect vessels still in the vicinity but out-with the MPA. As I am sure you will know, it can be difficult to verify that a vessel is within a prohibited area or performing a prohibited activity when viewed from the land.

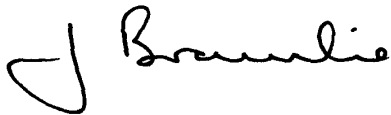
The example that you provide with regard to “another report of suspected illegal dredging in the Sound of Mull” is the second example I would like to turn to. AIS is useful data and can

provide information on the location, speed and heading of a vessel. We can usually corroborate this with our own data, if the vessel in question is required to be fitted with the appropriate monitoring equipment. However, in the area in question the offence is deployment of specific gear types. Therefore in order to prove that a crime has been committed and to either refer such a case to the Crown Office or to offer a Fixed Penalty Notice, it must be proven beyond reasonable doubt that a specific gear type has been deployed in a prohibited location. As I am sure you will recognise, location and speed as taken from AIS or other locational sources do not prove what the vessel has been doing. Simply being within an area at a slow speed and travelling in a particular pattern is not an offence. Any activity the vessel may or may not be engaged in is inferred from this information rather than proven.

However, rather than engage in lengthy correspondence about the detail and requirements for taking court action, can I suggest that we offer a seminar or discussion with a number of yourselves, looking at what serious action such as court referral and issuing FPNs needs, and the context within which Marine Scotland Compliance operates. We would be happy to visit a location at your convenience and remain keen to engage fruitfully with local people and groups.

I look forward to hearing from you. My email and telephone number are at the head of this letter.

Yours sincerely



John Brownlie
Enforcement Team Leader