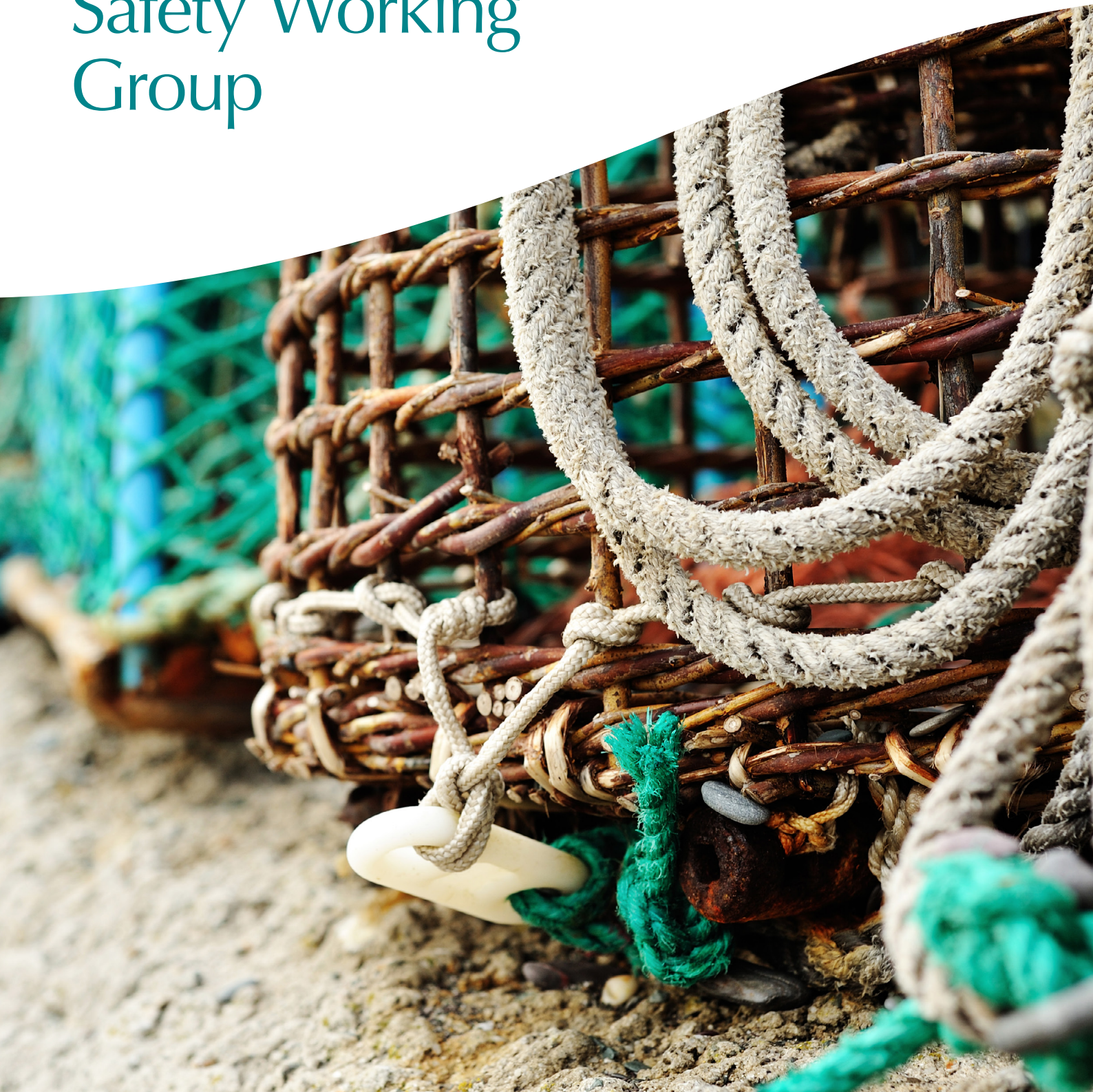




Maritime &  
Coastguard  
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Safer lives,  
safer ships,  
cleaner seas

# Static Fishing Gear Safety Working Group



# Table of Contents

1. Introduction	2
2. Collation of various regulations and powers pertaining to the marking of static fishing gear within UK	4
3. Assessment of the effectiveness of existing powers, and ability, to remove poorly marked static fishing gear.	5
4. Review of the purpose and the design of static fishing gear markers ('ends')	11
5. The relationship between marking for licensing and marking for visibility	13
6. Consideration of the practicality of identifying and separating areas for static fishing from areas for other small craft use	16
7. Entanglement Case Study	20
8. Conclusions and recommendations	22
Annex A: Best Practice Design of Ends Information Note	25
Annex B: Fishing Legislation Research – MMO Blue Book & Scottish Marking of Creels Regulations	26



# 1. Introduction

The Static Fishing Gear Safety Group (SFGSG) was formed as a sub-group of the United Kingdom Safety of Navigation Committee (UKSON) in October 2019 in response to stakeholder engagement, with representatives of the small vessel/leisure craft industry, about entanglement hazards. It was recognized by UKSON that a multi stakeholder consensus was necessary and existed regarding the requirement to review the UK's approaches to static gear marking and hazard reduction for small craft.

There are two key types of hazards identified, which form the basis of the technical discussion in this report. Firstly, the use of floating rope (as opposed to leaded or weighted rope) on or near the surface creates a hazard to nearby watercraft with propellers; and secondly, the failure to use a buoy or similar float sufficient for visual identification to alert other watercraft on the need for avoidance at sufficient distance.



The National Federation of Fishermen's Organisations (NFFO), representatives on SFGSG, are of the view that most of their members comply with the current voluntary guidance which deals with the fundamental features of the hazard. However, they believe that there are far more 'hobby fishermen' now active who, being unlicensed, have limited interest in making their gear either visible or compliant.

## Terms of Reference (ToR)

The agreed ToR included the requirement for the group to produce a report, addressing the objectives contained in the six ToR's provided below:

1. Collate, for comparative purposes, the various regulations and powers that pertain to the marking of static fishing gear at up to 6 and 12 miles offshore and beyond, for the four constituent nations of the United Kingdom.
2. Assess the effectiveness of existing powers, and ability, to remove poorly marked static fishing gear and the circumstances in which use of those powers might be considered and to propose measures that could best deal with the practical issues resulting from the non-compliance with existing regulations.
3. Review the purpose and the design of static fishing gear markers ('ends'), particularly in the light of practicality for fishermen, affordability, safety of use, environmental impact, and technological developments.
4. Consider the relationship between marking for licensing and marking for visibility and other options for avoidance.
5. Review the practicality of identifying and separating areas for static fishing from areas for other small craft use.
6. Raise awareness of the detriment to safety of navigation, and the risk to life at sea, associated with poorly marked or abandoned gear.

The report has been structured to address each of the six points in turn, offering conclusions and recommendations for the consideration of UKSON and other interested parties. It is intended that the recommendations provided in the latter stages of this report will provide a blueprint for action, for further work on Static Fishing Gear hazards.

## 2. Collation of various regulations and powers pertaining to the marking of static fishing gear within the UK

- i. A collation and assessment of the powers pertaining to the marking of static fishing gear at up to 6 and 12 miles was conducted by the Cruising Association (CA) in 2019. The contents of this report were updated by the Maritime and Coastguard Agency (MCA) and can be found in Annex B. The list was drawn from the Marine Management Organisation's (MMO's) [Blue Book](#), which is an open source list of fishing regulations which can be found on GOV.UK.
- ii. Also included in Annex B, is the associated guidance which explains the requirements of the [Scottish Statutory Instrument 2020 No. 168 – The Marking of Creels \(Scotland\) Order 2020](#).

### **3. Assessment of the effectiveness of existing powers, and ability, to remove poorly marked static fishing gear.**

#### **a. Departmental responsibilities**

- i.** There are statutory requirements regarding the marking and labelling of fishing gear. These are rarely applicable to safe navigation and are primarily for the purposes of Fisheries management.
- ii.** In Scotland, Wales, and Northern Ireland regulations with regard to Fisheries Management are within the remit of the devolved administrations. In England, since 2009, the statutory responsibility for the management of commercial fisheries, sits with the Marine Management Organisation (MMO) and the (ten) Inshore Fisheries and Conservation Authorities (IFCAs). Departmental (policy) responsibility lies with the Department for Environment, Fisheries and Rural Affairs (Defra). Maritime safety is not part of Defra's policy remit.
- iii.** Maritime safety issues, for the whole of the UK, falls within the remit of the Department for Transport (DfT)/Maritime and Coastguard Agency (MCA).
- iv.** DfT is also the relevant department overseeing the work of the Statutory Harbour Authorities (SHAs).
- v.** Given that no government department or agency covers safety associated with the marking of fishing gear, a joint approach to conducting this review was required and implemented through the working group.

#### **b. Information gathering**

- i.** The key organisations represented in the working group, with existing powers around enforcing gear marking requirements and removing poorly marked gear in England are the MMO, IFCAs and SHAs. Each of the three authorities represented in the working group responded to a standard set of questions as detailed below.

### **c. Marine Management Organisation (MMO) & Inshore Fisheries Conservation Authorities (IFCA's)**

- i. MMO is England's principle marine regulator responsible for regulating activities at sea throughout England's marine area. Specifically, the MMO regulates commercial fishing activities by providing licences and quota and assuring compliance by all vessels (UK and non-UK) operating in English waters.
- ii. The (ten) IFCAs are responsible for managing inshore fisheries resources in English waters out to six nautical miles.
- iii. MMO and IFCAs work closely in delivering fisheries management across all of England; they were established under same legislation (The Marine and Coastal Access Act 2009) and have similar powers, hence their responses have been combined.

### **d. What powers do MMO and IFCA have to remove poorly marked static gear from the sea?**

- i. The powers of (MMO) marine enforcement officers and (IFCA) officers in relation to the above is set out under section 264 of MaCAA 2009<sup>1</sup>. Enforcement officers from both organisations have a general power to inspect any object in the sea believed to be associated with fishing and may lift those objects out of the sea for purposes of inspecting.
- ii. This power must be exercised for the purpose of carrying out a 'relevant function'. Relevant functions include byelaws made under the marine and coastal access act, and the implementation of certain national regulations. In general, IFCAs enforce IFCA bylaws and local requirements within coastal waters (out to 6nm from coastline), and MMO enforce national requirements including those which transpose EU regulations. In particular, the Commission Implementing Regulation (EU) No 404/2011<sup>2</sup>. Specifically, in relation to gear marking, MMO enforce requirements in offshore waters i.e. outside of 12nm from the coastline.

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<sup>1</sup> [Marine and Coastal Access Act 2009 \(legislation.gov.uk\)](http://legislation.gov.uk)

<sup>2</sup> [Commission Implementing Regulation \(EU\) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation \(EC\) No 1224/2009 establishing a community control system for ensuring compliance with the rules of the Common Fisheries Policy \(legislation.gov.uk\)](http://legislation.gov.uk)

**e. Do MMO and IFCA's have the physical ability to remove static gear from the sea? (Can we haul it, store it etc.? What would we do with any catch etc.?)**

- i. MMO operates two offshore patrol vessels that have the capability of removing gear for inspection, so it can be hauled and seized/stored on board. Section 264 also states that powers to seize include anything 'attached' to the object and/or contained within it (fish). MMO also charter other vessels for fisheries patrols, and the ability to remove gear would be determined by the capability of these vessels.
- ii. IFCA's operate several fishery patrol vessels. Some (but not all) vessels are equipped to haul static fishing and have the facilities to store it.

**f. Under what circumstances would MMO or IFCA's remove gear from the sea?**

- i. s. 264(2) and (3) of MaCAA says "An enforcement officer who has inspected an object under this section may seize the object. (3) The power conferred by subsection (2) may only be exercised - (a) for the purposes of determining whether a relevant offence has been committed, or (b) in relation to an object which an enforcement officer reasonably believes to be evidence of the commission of a relevant offence.
- ii. MMO have powers to remove (seize) gear where an officer believes that an offence has been committed in relation to Commission Implementing Regulation (EU) No 404/2011, Section 2 – Marking and Identification of fishing gear. Mostly labelling specifications are to ensure that the gear can be clearly seen and identified (as belonging to licenced fishers).
- iii. For IFCA's, the offence may include non-compliance with an IFCA byelaw offence. Noting the imposition of marking requirements upon fishing gear for the purpose of managing the exploitation of sea fisheries resources within an IFCA's district would be within scope of IFCA powers. However, such imposition by an IFCA purely for the purposes of securing safety of public navigation of all vessels generally per se would be outside of IFCA powers.



## **g. Can you think of any ways in which we can better deal with practical issues caused by poor compliance with static gear marking requirements?**

- i.** The premise of 'poor compliance with static gear marking requirements' firstly needs to consider the question of 'compliance with what' and then for what purpose.
- ii.** Where gear marking is incidental to the IFCA's wider management duty (i.e. the exploitation of sea fisheries resources in an IFC district.) then management may be introduced. But as stated this does not extend to the introduction of management purely for the purposes of securing safety of public navigation of all vessels.
- iii.** The current national (as transposed from the EU) regulations are that passive gear is only labelled in accordance with articles 11 and 12 of Commission Implementing Regulation (EU) No 404/2011. A requirement for marking buoys apply outside of 12nm only.
- iv.** Enhancing communications to the industry on these requirements should be considered as fishers may not be aware, or familiar with the rules regarding marking. There are industry networks that can be used to help spread the message. Increasing checks on gear (outside the 6nm limit) to assess compliance, and contacting the fisher responsible for the gear could be considered.

## **h. Response from UK Harbour Masters Association (UKHMA) on the powers of Statutory Harbour Authorities (SHAs)**

- i.** SHAs are Statutory Bodies responsible for the management and running of a harbour.

## **i. What powers do SHA's have to remove poorly marked static gear from the sea?**

- i.** Under section 52 of the Harbours, Docks and Piers Clauses Act 1847 gives Statutory Harbours and Harbour Masters, the powers of General and Special Direction for the safe operation of Harbours and the safe Navigation of those vessels operating within its Statutory Harbour Limits.
- ii.** A harbour authority's primary duty is to ensure the safe and efficient use of the harbour by those who have a right to use it and navigate in its waters.

This includes a duty to regulate navigation using available powers and other means.

- iii. Harbour General Bylaws: Ports have byelaws and directions, which every user must obey as a condition of his or her right to use the harbour. Harbour authorities have a duty to make proper use of the powers to make byelaws, and to give directions to regulate all operations in their waters. Harbour authorities should have clear policies on the enforcement of directions and should monitor compliance.
- iv. Many Harbours have Bylaws regarding the prohibition of any fishing activity, placing of static fishing gear within its statutory Harbour limits and approaches which may compromise the safety of Navigation or safe operation of the Harbour.
- v. The 1987 Pilotage Act – The Competent Harbour Authority (CHA) has a statutory obligation to provide safe passage for vessels within its defined pilotage area, which includes the removal of any obstruction which may endanger the safe navigation of any vessel under pilotage.
- vi. The Port Marine Safety Code clearly defines the SHA’s regulatory obligations regarding:
  - i. **Open Port Duty:** To allow for Safe and efficient port marine operations to all those wishing to use the Port facility, taking reasonable care, so long as the harbour is open for public use, that all who may choose to navigate in it may do so without danger to their lives or property.
  - ii. **Conservancy:** SHA’s shall conserve and promote the safe use of the harbour and prevent loss or injury through the organisation’s negligence. A harbour authority has a duty to conserve the harbour so that it is fit for use as a port and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to utilise it safely.
  - iii. **Environmental duty:** To protect any designated Habitat such as SSSI, Ramsar or MPA within its statutory Harbour limits.

**j. Under what circumstances would an SHA wish to remove gear from the sea.**

- i. Anything regarding the above obstruction to safe navigation, open port duty, environmental protection or non-compliance to Harbour Bylaws, the Port Marine Safety Code or in response to any reported marine incident or near miss.
- ii. Most ports and harbours do not have the means to remove static fishing gear from the water, however many do either tow the equipment clear of any area of obstruction or potential danger and shall enforce against any continued non-compliance.

**k. Can you think of any ways in which we can better deal with practical issues caused by poor compliance with static gear marking requirements?**

- i. Education and awareness, license requirements and potential reduction in cost to fishers through financial support/grant aid on gear.

## 4. Review of the purpose and the design of static fishing gear markers ('ends')

### a. Definition of 'Ends'

- i. A key factor in the safety of static fishing gear is the configuration of the gear, and particularly its ends. The term ends, refers to the sections of the static fishing gear which lay at the upper end of the gear and is visible on the surface of the sea. These are the sections which small vessels will encounter on the surface, and potentially become entangled upon.

### b. Purposes of static fishing gear markers:

- i. The identification, location, and retrieval by the owner of the gear.
- ii. Identification, location, and marking for other maritime users, to enable them to avoid the gear and associated entanglement hazards.
- iii. For identification/marketing purposes to enable regulators to locate and identify the owners of the gear for regulatory purposes.

### c. Consideration of affordability, safety of use, environmental impact and technological developments in best practice.

- i. The SFGS-WG identified that codifying a design of ends which minimised the risks of entanglement was an important step to improving static gear safety. A successful design could also be used to influence those organisations responsible for the standards of static fishing gear.
- ii. To facilitate this goal, a sub-group was set up which included industry representatives and SFGS-WG members. This group was tasked to identify the key elements of a safe design of ends, whilst being mindful of the need for the design to be both practical and affordable. To achieve this aim, the group included representatives of the fishing industry (NFFO & Seafish) who were able to provide the necessary technical expertise.
- iii. The gear depicted and the advice for the safety of ends factors include cost, transportation, storage, safe use and maintenance. Gear optimised for visibility must still be practical for the safe use by fishers onboard their vessels.
- iv. Two images depicting a safe design of ends were created, one for slack tidal conditions and one for tidal conditions. The gear depicted is a



standard 'Pots and Traps' arrangement, it should be noted that these images are not intended to cover every configuration of gear being used for static fishing but provides a visual representation of best practice in the use of leaded and floating line.

- v. The images were developed by the 'Design of Ends Subgroup', which contained fishing SMEs who were involved in developing key features of the design and drafting text to accompany the image and to provide more information.

## 5. The relationship between marking for licensing and marking for visibility

- i. When considering the issue of the relationship between marking for licensing and marking for visibility, it is necessary to consider the differences between these two purposes and compare static gear marking regimes which are designed around these two different objectives. We examined the approach of the IFCA's (based in England) and Marine Scotland's approach.
- ii. A key aspect of the UK's legislative landscape in respect to static gear, is the relative sizes of the different areas covered by the different regimes. The regulatory regime that encompasses the largest sea area is that of the MMO, which covers the entire coastline of England via the IFCA system and an area out to 200 nms. Because of this, it is correct to state that most of the UK coastline is covered by a regulatory regime, which marks gear for regulatory purposes, as opposed to navigation safety/visibility.

### b. Marking for visibility vs marking for regulatory purposes

- i. Static gear designed for visibility would be large, and conspicuously coloured, to maximise the contrast between the gear and the surface of the sea. This would hopefully make it readily apparent to navigators on a variety of platforms. But there are multiple factors which constrain the size and design of static gear ends.
- ii. These factors include cost, transportation, storage, safe use and maintenance. Gear optimised for visibility must still be practical for the safe use by fishers onboard their vessels. Such gear will therefore fall within range of practicality vs visibility. For static gear to be considered optimised for visibility, it would need to be as close as possible to the upper limits of the practicality range.
- iii. Where gear is marked for regulatory purposes, its characteristics and design will be dictated by the needs of the regulatory authority, ensuring that regulatory personnel can locate it, and that the gear is large enough to display the necessary licensing information required by local regulations.
- iv. Whilst these two objectives are not necessarily mutually exclusive, their relationship is further complicated by the overseeing Regulatory Authorities powers.

### c. IFCAs

- i. Guidance provided to IFCAs, states that an IFCA can only act in relation to a specific matter, including making regulatory Bylaw, if it can show that the matter falls within its responsibilities under s.153 of the Marine & Coastal Access Act 2009 (MaCAA).
- ii. It is clear from s. 153(1) that the primary statutory purpose of an IFCA is to “...*manage the exploitation of sea fisheries resources ...*”. This primary purpose, as we have concluded above, would not permit an IFCA to act to secure the provision of safety of public navigation (maximising visibility) as a sole objective by itself.
- iii. However, s.153(2) MaCAA does provides IFCAs with powers to “*seek to balance the different needs of persons engaged in the exploitation of sea fisheries resource in the district*”. In this context, inadequate marking of static fishing gear risks entanglement of other vessels engaged in such exploitation, including not only static gear fishers but also commercial and recreational anglers.
- iv. It is not clear how the requirements for safe lookout by commercial and recreational anglers differs from that of recreational vessels, and thus s.153(2) may provide the potential future avenue for improved visibility of static gear by IFCAs in English waters and should be explored more thoroughly.

### d. Marine Scotland

- i. The Scottish Government introduced legislation in 2020 requiring their fishing industry to meet set standards for the marking of creels (lobster pots) within 12 miles from the coast. This statutory requirement was introduced following consultation (in 2016) and the publication of a best practice guidance in 2018. A key aim of The Marking of Creels (Scotland) Order 2020 is to make the marking of gear more visible and reduce accidental gear conflict and entanglement of propeller shafts.
- ii. Because the legislation was designed with visibility and navigation safety in mind, it also stipulates the characteristics of markers, including the minimum number of markers (floats, buoys etc.), the minimum acceptable size of these markers, and provides for the optional deployment of additional equipment such as Dhan’s. These stipulations are applied based on the location/range from the coast.

- iii.** A key element of this legislation is that it bans the use of equipment not manufactured for the express purpose of marking fishing creels. This prohibits the use of objects such as plastic milk cartons and netted footballs.
- iv.** Whilst the Scottish Creels legislation will not result in a uniform standard for the marking of ends, since its requirements are minimum standards, it does provide a safe minimum, which is likely to improve safety outcomes with regards to entanglement in general.



## 6. Consideration of the practicality of identifying and separating areas for static fishing from areas for other small craft use

### a. Introduction

- i. One of the key problems relating to static fishing gear is the lack of information available to the mariners which would enable them to plan a route around such hazards. It is note-worthy that a large amount of information is available on nearly every other type of navigational hazard that a small craft could encounter. With no information on the locations of static gear, Skippers must keep a constant lookout during daylight and accept the risk of entanglement during the hours of darkness. The SFGS-WG considered the concept of mapping and identified that a successful solution would require both a viable system and actionable data. Obtaining reliable, accurate data about the locations of static gear is the biggest blocker to mapping solutions. Several options were examined; these options can be divided into Vessel Monitoring System (VMS) and non-VMS systems and data.
- ii. The SFGS-WG includes representation from the MMO, who were requested to provide information on the potential sources of data to further the groups' aims and assess their feasibility. In providing this information the MMO focused on coastal waters (within 12 NM), and passive gear (lobster and crab pots, gill nets, long lines).

### b. Vessel Monitoring Systems

- i. MMO monitors satellite VMS that is installed on vessels of 12 metres or more in overall length in UK waters. The system is used to track all UK-registered fishing vessels globally. VMS devices fitted on vessels can transmit digital data on a fishing vessel's location, speed, and direction to the MMO's national VMS 'hub' every 2 hours. Data derived from this system was assessed as being of limited value for the SFGS-WG purposes by MMO. This is due to VMS pings not directly correlating with the locations of where static gear is deposited; as a result, no firm conclusions as to the location of static gear can be obtained from VMS data sets. Another major limitation is that the majority of boats fishing within coastal waters inshore would be below 12m length, and therefore not fitted with VMS.

## c. Inshore vessel monitoring systems (I-VMS)

- i. In addition to VMS fitted to larger vessels, the MMO is currently managing a project to install inshore VMS (or I-VMS) devices on all vessels less than 12m in length<sup>3</sup>. This would mean that MMO can better understand the location of all commercial fishing vessels activities in England<sup>4</sup>. This project involves the phased installation of approved devices onto vessels ahead of this becoming a statutory requirement (expected to be in 2024).
- ii. The key difference to current VMS (as reported above) is that data is sent through mobile phone, rather than satellite technology, and the “ping rate”<sup>5</sup> will be every 3 minutes, rather than every 2 hours.
- iii. Once the project has completed, and all vessels are reporting their location, there is an opportunity to extract data products and present more accurate and up to date information on static gear locations.

## d. Other existing sources of information considered

- i. SFGS-WG considered a range of additional data that could possibly be sourced and used to derive suitable maps. These include the following:
  1. **Fishermap.** This was a project commissioned by Seafish which sourced information from industry surveys on where they fish inshore. This work was completed in 2009, and is therefore older, less reliable data.
  2. **Fishing plotter data.** Such data can be exported from fishing vessel electronic charting systems. This would be highly accurate showing positions of deployed gear for each vessel but would need investment and agreement in accessing and consolidating and would require some expert interpretation.
  3. **Remote sensing data.** This can be sourced from footage derived by drones, satellites, or over-flights. There is very limited coverage both spatial and temporal currently and there are no processes in place for accessing, management, and analyzing data derived from this source.

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<sup>3</sup> [Inshore Vessel Monitoring \(I-VMS\) for under-12m fishing vessels registered in England - GOV.UK \(www.gov.uk\).](https://www.gov.uk/government/news/inshore-vessel-monitoring-i-vms-for-under-12m-fishing-vessels-registered-in-england)

<sup>4</sup> Note that Welsh Government has already implemented IVMS in Welsh fishing vessels below 12m.

<sup>5</sup> The frequency with which data is transmitted from the vessel to the MMO

4. **Reporting/Intelligence/anecdotal.** This data could be gathered from fishing organisations (such as repeating Fishermat), or by organisations with current knowledge of activities (e.g. IFCAs). This would require to be commissioned, and need investment in analysis, processing, and mapping.
  5. **Modelling.** Modelling of the predicted area of where fixed gear is likely to occur using criteria such as water depth and substrate.
- ii. MMO advised that at this stage, neither the data derived from VMS or Non-VMS sources would be likely to provide the type of actionable information required by small craft mariners. Whilst these sources could be used to provide generalised zonal mapping, this would be of questionable value for actual passage planning. Utilising I-VMS data would be much more relevant and provide a greater degree of confidence in identifying established locations of static gear deployment.

## e. Non-UK solutions

- i. To better understand 'what is possible' we have explored how Norway charts the locations of static fishing gear off their coast. This appears to provide a blueprint for a technological solution which may be possible in the UK, if there was the appetite to invest time and money into a solution (potentially with added value in other areas).
- ii. Norway has a system called 'Barents Watch' with a 'FishInfo' service (<https://www.barentswatch.no/fiskinfo?lang=en>). Alongside several other datasets, the primary dataset of interest is that of static fishing gear locations. It is believed that in Norway it is a requirement upon fishers to report the location of static gear locations to the regulator. This requirement has developed from reporting positions manually, to an automated process of recording and submitting locations via on-board fishing plotter systems (believed to be Olex). The link above and image below demonstrate how this is displayed within information including a time/date, vessel name and type of fishing gear included.

**FishInfo**

- Fishing facilities
- Lost fishing gear
- Vessels (AIS)

Fishery information

- Lofoten fishing 2024
- Breivikfjorden local regulation
- National salmon fjords
- Shrimp fishing grounds
- Temporarily closed areas
- Coastal Cod Regulations
- Pollock Seine Regulations
- Cod, haddock, saithe for boats 21-27.9m
- Cod, haddock, saithe for boats over 28m

[Login](#)

Thursday 11:34:06 AM v.24.4.12

BarentsWatch

Search

64° 53.003 N 19° 41.550 E

200 km

**FishInfo**

**About the Service**

FishInfo displays useful fishing-related information. Fishermen and certain other groups with extended access can report gear through FishInfo. Professional fishermen can also see details about others' fishing gear, and view more vessels displayed on the map.

**My favorites**

No favorites

**Apply for extended access to FishInfo**

Fishermen and certain other groups can apply for extended access. Log in with your user account to apply. Read more about access and benefits in the [user manual](#).

To apply for extended access you must have a BarentsWatch user account and be logged in.

[Login](#) [Registry user](#)

**Marinogram, ebb and flow**

Click anywhere on the map to see the marinogram with weather information and time of high tide.

**Downloads**

**Dataset favorites**

No dataset favorites

**All datasets (37)**

- Aquaculture - surface area
  - Updated: Apr 29, 2024, 10:05 AM
  - OLEX [Download](#)
- Breivikfjorden local regulation
  - Updated: May 02, 2024, 01:55 AM



## 7. Entanglement Case Study

### a. Introduction

- i. The SFGS-WG developed the following case study, to be included in this report, as an effective means to raise awareness of the safety risks to life posed by poorly marked or abandoned gear. The name of the vessel and those involved have been withheld in the interests of confidentiality. The case study was identified as typical of the types of incidents which imperil the safety of small vessels around the coast of the UK<sup>6</sup>.

### b. Entanglement Case Study: Incident Details

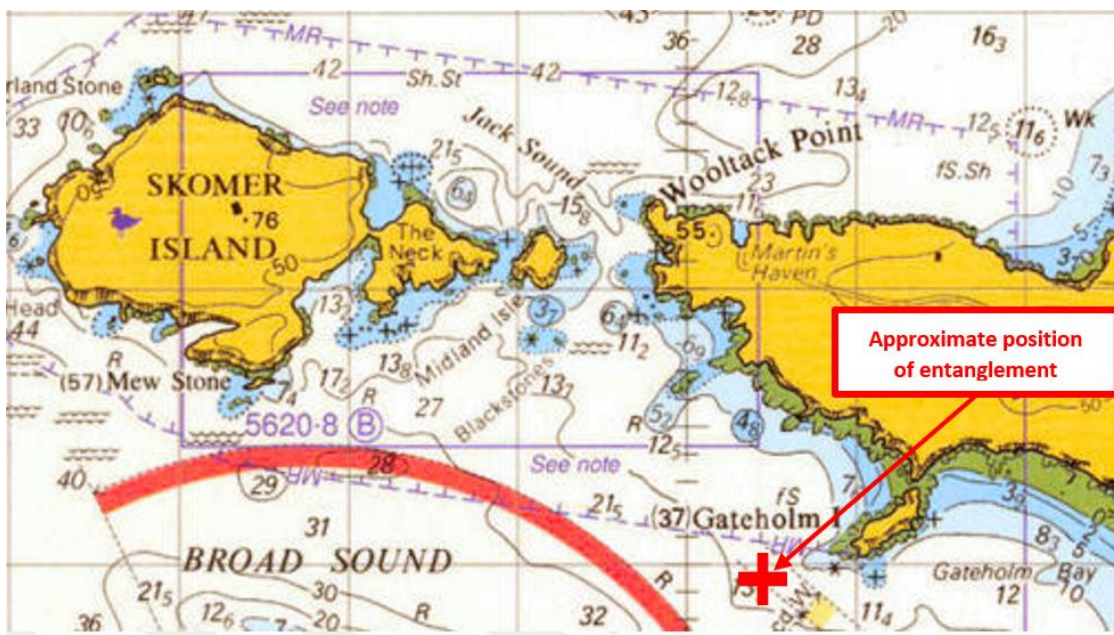
- **Date:** 23/06/21
- **Time:** 12:35
- **Type:** Sailing Vessel
- **Wind:** NW 2
- **Sea State:** 2

- i. A Sailing Vessel, on a northerly passage from Dale to Fishguard, was motor sailing with full mainsail set, in light conditions with 1 crew onboard. The vessel's Skipper planned to pass through Jack Sound, just before the tidal stream turned North at 13:30. At approximately 12:35 whilst approaching the Southern extent of Gateholm Bay, several round orange pot marker buoys (judged to be 15" in diameter) were spotted on the starboard bow, 0.5 cables ahead of the vessel. The Skipper altered course to port, intending to leave the most westerly buoy to starboard. Despite having achieved a lateral separation of 25 yards from the western most buoy with this alteration, a rattling was heard emanating from underneath the vessel. See approximate position of entanglement on the next page.
- ii. The Skipper put the engine to neutral, but it was apparent that the vessel was held fast by a line and was unresponsive to the helm. The vessel was now stern to wind and being set down on to two rocks (with drying heights) South of Gateholm Island. With some difficulty, the mainsail was brought down, but by this time, the vessel was less than 0.5 of a cable from imminent navigational danger. Examination of the entanglement indicated that the propellor was firmly entangled with a taut (18mm polyester) rope.

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<sup>6</sup> RNLI reported 295 incidents involving fouled stern gear in 2017. Figures do not distinguish between floating debris and static gear. RYA reporting system contained 138 reports, 84 entanglements, with all but 27 freeing themselves. MCA reported 196 incidents in 2016.

- iii. Despite the best efforts of the Skipper and the use of a boat hook, the vessel was still held firm. Unable to free the vessel himself, the Skipper enlisted the help of two yachts (sailing in company with the stricken vessel) and a local Fishing Boat. Eventually the line securing the vessel was cut and the Fishing Boat towed the Sailing Vessel away from imminent danger and on to the intended destination, Dale.
- iv. This incident is notable, because it is typical of the types of incidents which have occurred around the UK coastline, where vessels have become entangled, but which have not resulted in injuries etc. The key feature of this case study is the potential for a more adverse outcome, had circumstances been different.



## 8. Conclusions and recommendations

### a. The SFGS-WG considered the information gathered during the work of the group and identified the following conclusions:

- i. That there was sufficient evidence to consider poorly marked static fishing gear an appreciable hazard to small vessels within UK territorial waters and inshore areas of the UK Exclusive Economic Zone (EEZ). This conclusion is supported by the significant number of reports which are available amongst the leisure vessel community, of which our case study is an excellent example. Whilst no fatalities have been directly associated with poor marked static fishing gear, an entanglement could be extremely hazardous in the wrong set of circumstances.
- ii. In reviewing the legislation owned by organisations which have the powers to remove static fishing gear, it was determined that the summary above accurately outlines the limitations in the current legislative framework for managing poorly marked fishing gear. There is no clear single instrument that deals with this risk, and whilst MMO, IFCA, and SHAs have some powers, currently poor marking of static fishing gear is not an offence unless it contravenes marking and labelling requirements (>12m); an IFCA bylaw; or a harbour authority restriction on safety within harbour limits. This situation can be compared with that in Scotland, which has passed legislation providing overarching powers that make it mandatory to use buoys designed for the purpose of the marking of ends.
- iii. S.153(2) of MaCAA may provide an opportunity to apply navigation safety considerations to the marking of gear within the IFCA regulatory regime. Since inadequate marking of static fishing gear risks entanglement of other vessels engaged in the exploitation of fishing resources (including not only static gear fishers but also commercial and recreational anglers) and the navigation safety needs of these fishers are identical to those of leisure craft (as per IRPCS) s.153 may offer a means to address the needs of navigation safety, without departing from IFCA powers.
- iv. Having reviewed the current options in the UK for mapping systems, the WG concluded that whilst no system/data source is currently available to provide a mapping system for actionable information, in the future the data generated by IVMS should be able to support the creation of a mapping tool. Such a mapping tool would be designed to enable the identification of areas for static fishing, to enable leisure users to avoid these areas. This will be dependent on the successful roll-out of the system and subsequent

accrual of data, as it is used. The WG is optimistic that future development of IVMS could provide enhanced data, such as that indicating the actual position of gear rather than simply the movements of vessels.

- v. The safe design of ends was identified as critical to future safety outcomes in this area. The design of ends sub-group developed a consensus on what could be deemed best practice. This best practice was codified in an information booklet, but until this consensus is reflected in the actions of fishers and their gear, little impact will be felt. The group considers it essential to engage with organisations which have the power to set standards or influence gear design/usage and considered ways to achieve this. Fishery Management Plans (FMPs) and the IFCA bylaws were identified as effective mechanisms by which to influence the design of ends.
- vi. The use of improper material for the marking of gear was considered by the committee. Whilst improvised gear provides a limited marking function for the owner, it will fall well below best practice for the marking of ends, making it nearly invisible to small vessels on their approach to the gear. Identifying ways to make it easier for fishers to use equipment intended for the marking of ends was considered extremely useful. Cost was considered and identified as one of the main barriers for fishers who used improvised gear.

## **b. Recommendations**

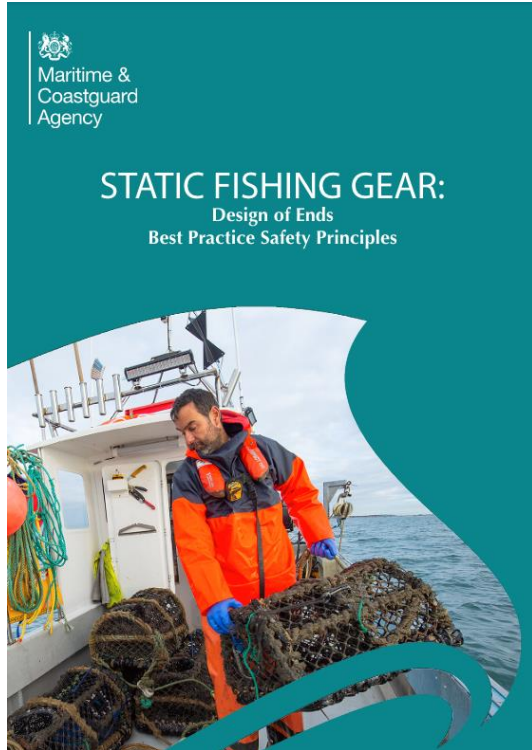
- i. Defra and DfT (plus other applicable bodies) to further consider options and bring forward proposals to modify the remits of their associated bodies opportunities to ensure that safety of other mariners in relation to set fishing gear is factored into any management or policy proposals. Consider safety alongside licensing in relation to the marking of ends.
- ii. That the UKSON/MCA negotiates and implements an MOU with the Association of IFCAs to ensure the promotion of best practice guidance (as developed by SFGS-WG) by the Association to its members, with the objective to gradual inclusion in IFCA byelaws as and when they are renewed.
- iii. That the UKSON/MCA enter discussions with the Association of IFCA to explore what opportunities s.153 of the MaCAA may offer to improve the navigation safety elements of marking under the IFCA's regime, with a view to improving the safety outcomes for vessels in IFCA districts.



- iv.** That the UKSON/MCA works closely with MMO on the creation of a bespoke data product deriving from IVMS data, designed to provide actionable information for mariners in their passage planning activities. With an aim for such products to be web based and free to access.
- v.** That the UKSON/MCA works with the relevant authorities to influence the development of FMPs with specific reference to the 'Spatial Planning' elements of FMPs with the objective of improving safety outcomes for small vessels in relation to entanglement hazards.
- vi.** MMO to engage with Seafish and others to consider possible future funding opportunities to help facilitate improved marking amongst static fishers and reduce risk of entanglement.

# Annex A: Best Practice Design of Ends Information Note

Please see leaflet [here](#).



### Introduction

The objective of this information note is to provide guidance on the marking of static fishing gear, to improve its visibility, and reduce the risk of entanglement incidents for vessels operating in the waters around the UK.

The images provided as part of this guidance provide only one example of the diverse static fishing gear types used by UK static fishers. The images and accompanying text demonstrate and detail a set of common principles of design and construction that can be applied to other types of static fishing gear, where there is a potential risk of entanglement. The simple images were developed by the Static Fishing Gear Safety Working Group, a sub-group of the MCA's United Kingdom Safety of Navigation Committee (UKSON), which includes industry representatives, government representatives and subject matter experts.

### Key principles

- 1 The overall design of the gear should ensure that no rope of any type will remain floating on the surface, at any state of tide causing a potential entanglement hazard for other marine users.
- 2 The upper section of rope which connects the static fishing gear to the surface marker arrangements should be of a leaded construction, or adequately weighted to ensure that all parts of the rope remain below the surface (marked green on the diagram)
- 3 If a stop is used between the dan buoy and pickup buoy, then minimal length line is used for the safe work of fishermen and all.
- 4 Floating rope should only be used on the lower section of the rope, which lead from the static fishing gear (on the seabed) towards the surface marker (marked blue on the diagram). This will reduce the risk of the rope becoming entangled with obstructions on the seabed with the potential of dragging the surface markers below the surface.
- 5 The rope used on static fishing gear, should be of a sufficient diameter/strength and type to ensure that it is durable enough to survive the rigours of the marine environment for the duration of its use.

1 2

### Slack Tidal Conditions

### 6

Any surface marker buoys or flags used should be of a design suitable to alert other marine users to the presence of the gear, so that they may take safely take avoiding action in good time. When choosing markers for static fishing gear, the following consideration should be amongst those considered:

**SIZE** The size of buoys and flags should be of an adequate size, to ensure maximum visibility, whilst considering operational constraints such as the size/type of the vessel, and local tidal considerations.

**COLOUR** The colour of markers should be chosen to ensure that they stand out from the environment. Good examples include fluorescent orange, or red. Colours such as blue, green, black, or white should be avoided.

**DESIGN** Surface markers should be of a construction to withstand the conditions anticipated during deployment and be fit for purpose, to avoid the risk of becoming marine litter.

**MAINTENANCE** Marker gear and ropes which attach the marker to the static fishing gear, should be regularly inspected and maintained. Marker gear and rope should be cleaned at regular intervals to remove biofouling to ensure that visibility and flotation properties are maintained and that the ropes breaking strain has not been compromised.

### 7

Static Fishers should also ensure that they make themselves aware of any local requirements under bylaws for design and visibility of static fishing gear.

3 4

### Tidal Conditions

By The Static Fishing Gear Safety Working Group (sub-group of UKSON)

nffo Lifeboats Association of IFCA seafish CA CRUISING ASSOCIATION

Marine Management Organisation

5

## **Annex B: Fishing Legislation Research – MMO Blue Book & Scottish Marking of Creels Regulations**

2.1 – Legislation (Acts, Orders, Regulations & Rules)

**At Section A of the Blue Book, there are 14 Principal Acts Relating to Sea Fishing:**

A1.10: [The Fishery Limits Act 1976](#)

Amended by: [A 1995/C21 Schedule 13 \(49\)](#), [A 2009/C23 Schedule 4](#), [A 2020/C22 Schedule 4](#)

A1.12: [The Territorial Sea \(Baselines\) Order 2014](#)

A1.20: [The Sea Fish \(Conservation\) Act 1967](#)

Amended by: [A 1995/C21 Schedule 13 \(49\)](#), [A 2020/C22 Schedule 4](#), [A 2009/C23](#), [SI 2019/746 – Reg 2](#)

A1.30: [The Sea Fisheries Act 1968](#)

Amended by: [A 2020/C22 Schedule 4](#), [A 1995/C21](#)

A1.40: [The Fisheries Act 1981](#)

Amended by: [SI 2019/746 – Reg. 3](#), [A 2020/C22 Schedule 4](#)

A1.41: [The Sea Fishing \(Enforcement and Miscellaneous Provisions\) Order 2015](#)

Amended by: [SI 2019/746 – Reg. 12](#)

A1.42: [The Sea Fishing \(Enforcement\) Regulations 2018](#)

Amended by [SI 2019/746 - Reg. 14](#), [SI 2019/526 - Reg. 22](#), [SI 2020/516 - Reg. 2](#)

A1.42a: [The Sea Fishing \(Enforcement\) Regulations 2020](#)

A1.43: [The Sea Fishing \(Miscellaneous Amendments\) Regulations 2018](#)

A1.44: [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) Regulations 2018](#)

A1.50: [The Sea Fisheries \(Shellfish\) Act 1967](#)

Amended By: [A 1997/C3 - Reg. 1](#), [A 2009/C23](#), [SI 2017/1012 - Schedule 6 \(2\)](#)

A1.50a: [The Sea Fisheries \(Shellfish\) \(Amendment\) Act 1997](#)

A1.60: [The Marine and Coastal Access Act 2009](#)

Amended by: [A 2017/1012](#), [A 2017/1013](#), [SI 2018/942 - Reg. 6](#), [SI 2018/1399 - Reg. 2](#), [SI 2019/746 - Reg. 4](#), [A 2020/C22 - Schedule 4](#), [A 2020/C22 - Schedule 10](#)

A1.70: [Exclusive Economic Zone Order](#)

A1. 80 [Fisheries Act 2020](#)

**At Section AA of the Blue Book there are 10 Statutory Instruments amending retained EU Legislation.**

AA1 [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019](#)

Amended by: [SI 2019/1312 – Reg. 3](#), [SI 2019/1312 – Reg. 8](#), [SI 2020/1542 – Reg. 8](#), [2020/1542 – Reg. 11](#)

AA2 [The Fisheries \(Amendment\) \(EU Exit\) Regulations 2019](#)

Amended by: [SI 2020/1542 – Reg. 11](#), [SI 2020/1599 – Reg. 2](#)

AA3 [Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019](#)

Amended by: [SI 2019/1312 – Reg. 4](#), [SI 2019/1312 – Reg. 9](#), [SI 2020/1463 – Reg 4](#), [SI 2020/1542 – Reg 15](#), [SI 2020/1599 – Reg 3](#)

In Part 2, Paragraph 5.(7) of these regulations, Article 6 of Regulation (EU) No 1236/2010 is amended to ensure “that gear used by fishing vessels in its fleet in the Regulatory Area is marked in accordance with Commission Implementing Regulation (EU) No. 404/2011”.

Paragraph 27.(3) substitutes a paragraph stating “A fisheries administration may make regulations specifying detailed rules for the marking and identification of fishing vessels and their gear”.

AA4 [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) \(No. 2\) Regulations 2019](#)

Amended by: [SI 2019/1312 – Reg 10](#), [SI 2020/1542 – Reg 3](#), [SI 2020/1542 – Reg 16](#)

AA5 [Common Fisheries Policy and Animals \(Amendment etc.\) \(EU Exit\) Regulations 2019](#)

Amended by: [SI 2020/1542 Reg 4](#), [SI 2020/1542 – Reg 17](#)

In paragraph 7.(3) Regulation (EU) 2018/973 is amended. Article 8, paragraph 5 of the amendment allows a fisheries administration to make regulations regarding characteristics of fishing gear, and use of fishing gear.

AA6 [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2020](#)

AA7 [The Sea Fisheries \(Amendment etc.\) Regulations 2021](#)

AA8 [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) \(No. 2\) Regulations 2020](#)

AA9 [The Sea Fisheries \(Amendment etc.\) \(No. 2\) Regulations 2021](#)

AA10 [The Sea Fisheries \(Amendment etc.\) Regulations 2023](#)

**At Section B of the Blue Book, there is 1 Access to British fishery limits documents:**

B2.10: [Common Fisheries Policy](#)

Amended by: [SI 2019/739 - Reg. 3](#), [SI 2019/753 - Reg. 26](#), [A 2020/C22 – Schedule 11](#)

None of the above describes anything directly relevant to the characteristics of floats and buoys.

**At Section C of the Blue Book, there are 13 no Orders relating to Legislation applicable in Welsh and Northern Irish zones:**

C3.01: [The Welsh Zone \(Boundaries and Transfer of Functions\) Order 2010](#)

C3.02: [The Adjacent Waters Boundaries \(Northern Ireland\) Order 2002](#)

Amended by: [2020/1273 Art 2](#)

C3.10: [The Prohibition of Fishing with Multiple Trawls \(Wales\) Order 2003](#)

Amended by: [A 2020/C22 Schedule 2](#), [WSI 2019/1332 – Reg. 2](#), WSI 2019/463 – Reg. 28

C3.15: [The Sea Fish \(Specified Sea Area\) \(Prohibition of Fishing Method\) \(Wales\) Order 2012](#)

C3.20: [The Scallop Fishing \(Wales\) \(No 2\) Order 2010](#)

Amended by: [A 2020/C22 Schedule 2](#), [WSI 2019/1339 Reg 3](#)

C3.21: [The Scallop Dredging Operations \(Tracking devices\) \(Wales\) Order 2012](#)

Amended by: [A 2020/C22 Schedule 2](#)

C3.25: [The Tope \(Prohibition of Fishing\) \(Wales\) Order 2008](#)

Amended by: [A 2020/C22 Schedule 2](#), [SI 2018/1095 Reg 3](#)

C3.26: [The Specified Crustaceans \(Prohibition on Fishing, Landing, Sale and Carriage\) \(Wales\) Order 2015](#)

Amended by: [A 2020/C22 Schedule 2](#)

C3.30: [The Conservation of Scallops Regulations \(Northern Ireland\) 2008](#)

Amended by: [A 2020/C22 Schedule 2](#)

C3.40: [The Unlicensed Fishing for Crabs and Lobsters Regulations \(Northern Ireland\) 2008](#)

These regulations do include a Provision for the Marking of Pots at 6, which states: “Marker buoys, or similar objects floating on the surface and intended to indicate the location of pots, shall be legibly and indelibly marked with either the name of the boat or the name of the owner of the boat from which the pots are set”, but such does not control their characteristics.

C3.50: [The Crabs and Lobsters \(Minimum Size\) Order \(Northern Ireland\) 2000](#)

Amended by: [A 2020/C22 Schedule 2](#)

C3.60: [The Sea Fishing \(Penalty Notices\) \(Wales\) Order 2019](#)

Amended by: [SI 2019/602 Art 1](#), [WSI 2021/368 Art 2](#)

C3.61 [The Sea Fishing \(Penalty Notices\) \(Wales\) \(Amendment\) Order 2019](#)

**At Section D of the Blue Book, there are 7 documents of Illegal, unreported, and unregulated (IUU) legislation:**

D4.10: [IUU Regulation](#)

Amended by: [SI 2019/739 – Reg. 9](#), [SI 2019/753 – Reg. 28](#), [SI 2019/753 – Reg. 41](#)

D4.10A: [List of IUU vessels](#)

Amended by: [SI 2019/739 – Reg. 10](#)

D4.10AA: [2020 List of IUU vessels amending \(EU\) 468/2010](#)

D4.10B: [IUU list of non-cooperating third countries](#)



Amended by: [SI 2019/739 – Reg. 11](#)

D4.11: [IUU Detailed Rules](#)

Amended by: [SI 2019/739 – Reg.12](#)

D4.30: [The Sea Fishing \(Illegal, Unreported and Unregulated Fishing\) Order 2009](#)

Amended by: [SI 2018/643 – Reg. 3-7](#), [SI 2019/746 – Reg. 9](#)

D4.40: [Measures for conservation of fish stocks in relation to countries allowing non-sustainable fishing](#)

Amended by: [SI 2019/739 – Reg. 13](#), [SI 2019/753 – Reg. 29](#)

None of the above describes anything directly relevant to the characteristics of floats and buoys.
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**At Section E of the Blue Book, there are 29 documents of technical measures for the conservation of fisheries resources**

E5.05: [Technical Conservation Measures](#)

Amended by: [SI 2019/1312 – Reg. 5](#), [A 2020/C22 – Schedule 11](#)

E5.06: [Celtic Sea Selectivity Measures \(SMPs\)](#) Revoked on 05/09/2021 by [SI 2021/698](#). Celtic Sea measures are now contained within the [fishing vessel licence](#)

E5.07: [North Sea Pelagic Discard Plan](#)

Amended by: [SI 2019/848 – Reg. 4](#), [A 2020/C22 – Schedule 11](#)

E5.07A: [North Sea Demersal Discard Plan 2020-2021](#)

Amended by: [SI 2020/1542 – Reg. 5](#), [SI 2021/1429 – Reg. 8](#), [A 2020/C22 – Schedule 11](#)

E5.08: [North-Western Waters Pelagic Discard Plan](#)

Amended by: [A 2020/C22 – Schedule 11](#), [SI 2021/1429 – Reg. 3](#)

E5.08A: [North-Western waters Demersal Discard Plan 2020-2021](#)

Amended by: [SI 2020/1542 – Reg. 6](#), [SI 2021/698 – Reg. 3](#), [SI 2021/1429 - Reg 9](#)

E5.11: [Measurement of fishing nets](#)

Amended by: [SI 2019/753 – Reg. 12](#)

E5.12: [Permitted net attachment](#)

Amended by: [SI 2019/753 – Reg. 16](#)

E5.13: [Small mesh net sampling rules](#)

Amended by: [SI 2019/739 – Reg. 35](#)

E5.16: [Detailed rules on the signal and implementation characteristics of acoustic deterrent devices](#)

E5.22: [Shark finning regulation](#)

E5.24: [North Sea Cod recovery technical measures](#)

Amended by: [SI 2019/753 – Reg. 23](#)

E5.25: [Hake recovery technical measures](#)

Amended by: [SI 2019/753 – Reg. 17](#)

E5.30: [The Undersized Edible Crabs Order 2000](#)

Amended by: [A 2020/C22 – Schedule 2, Art. 5](#)

E5.31: [The Undersized Velvet Crabs Order 1989](#)

Amended by: [A 2020/C22 – Schedule 2, Art. 2](#)

E5.42: [The Undersized Spider Crabs Order 2000](#)

E5.45: [The Lobsters and Crawfish \(Prohibition of Fishing and Landing\) Order 2000](#)

Amended by: [A 2020/C22 – Schedule 2, Art. 4](#), [SI 2017/899 – Art. 2](#)

E5.46: [The Tote \(Prohibition of Fishing\) Order 2008](#)

Amended by: [SI 2015/191 – Reg. 6](#), [A 2020/C22 – Schedule 2, Art. 13](#)

E5.47: [The Scallops \(Irish Sea\) \(Prohibition of Fishing\) Order 1984](#)

Amended by: [A 2020/C22 – Schedule 2, Art. 1](#)

E5.48: [The Shrimp Fishing Nets Order 2002](#)

Amended by: [SI 2018/942 – Reg. 50](#), [A 2020/C22 – Schedule 2, Art. 8](#)

E5.49: [The Prohibition of Fishing with Multiple Trawls Order 2003](#)

Amended by: [A 2020/C22 – Schedule 2, Art. 10](#)

E5.50: [Sea Fish \(Specified Sea Areas\) \(Regulation of Nets and Other Fishing Gear\) Order 2001](#)

Amended by: [SI 2018/942 – Art. 49](#), [A 2020/C22 – Schedule 2, Art. 6](#)

E5.51: [The Sea Fish \(Specified Sea Areas\) \(Regulation of Nets and Other Fishing Gear\) Order 1991](#)

E5.52: [Sea Fish \(Specified Sea Area\) \(Regulation of Nets and Prohibition of Fishing Methods\) Order 1989](#)

Amended by: [A 2020/C22 Schedule 2](#)

E5.53: [The Bass \(Specified Areas\) \(Prohibition of Fishing\) Order 1990](#)

E5.56: [The Razor Shell, Trough Shells and Carpet Shells \(Specified Sea Area\) \(Prohibition of Fishing\) Order 1998](#)

E5.70: [The Scallop Fishing \(England\) Order 2012](#)

Amended by: [A 2020/C22 – Schedule 2, Art. 18](#)

E5.80: [The South-west Territorial Waters \(Prohibition of Pair Trawling\) Order 2004](#)

Amended by: [A 2020/C22 – Schedule 2, Art. 18](#), [SI 2005/49 – Art. 2](#)

E5.90 [Salmon and Trout Prohibition of Fishing and Landing Order](#)

**At Section F of the Blue Book, there is one total allowable catch (TAC) and quota regulations**

F6.10 [TAC & Quota Regulations 2020](#)

Amended by: [SI 2020/1542 – Para. 7](#), [SI 2020/1542 – Art. 7](#), [SI 2021/698 – Para. 2](#), [SI 2021/1429 – Para. 10](#), [SI 2023/273 – Art. 2](#)

**At Section G of the Blue Book, there are 12 deep water and highly migratory species regulations**

G7.10: [Deep Sea Species Access and Conditions](#)

Amended by: [SI 2019/753 – Art. 7](#), [A 2020/C22 – Schedule 11](#)

G7.12: [Deep Sea TAC and Quota 2019-2020](#)

Amended by: [SI 2019/848 – Reg. 5](#), [SI 2020/1542 – Reg. 16](#)

G7.20: [Highly Migratory Species \(Tuna\) Technical measures](#)

Amended by: [SI 2019/753](#)

G7.20a: [International Commission for the Conservation of Atlantic Tunas \(ICCAT\) regulation](#)

Amended by: [SI 2019/753 – Reg. 7](#)

G7.21: [Tuna derogations from Landing Obligation](#)

Amended by: [SI 2019/753 – Reg. 15](#)

G7.21A: [Amendment to Tuna LO derogations including NAFO requirements](#)

G7.24: [Highly Migratory Species \(Tuna\) Control measures](#)

Amended by: [SI 2019/739 – Reg. 6](#)

G7.30: [Blue Fin Tuna recovery plan](#)

Amended by: [SI 2019/753 – Reg. 8](#)

G7.40: [Blue Fin Tuna Specific Control and Inspection Programme \(SCIP\)](#)

G7.40A: [Amendment to BFT SCIP](#)

G7.50: [Blue Fin Tuna catch documentation](#)

Amended by: [SI 2019/753 – Reg. 9](#)

G7.60: [Big Eye Tuna and Swordfish Statistical Trade Certificates](#)

Amended by: [SI 2019/753 – Reg. 13](#)

None of the above describes anything directly relevant to the characteristics of floats and buoys.
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**At Section H of the Blue Book, there are 29 no documents pertaining to Control Measures:**

H8.02: [Union Fishing Fleet Register](#)

Amended by: [SI 2019/739 – Reg. 33](#)

H8.05 [Defining Characteristics of fishing vessels](#)

Amended by: [SI 2019/739 – Reg. 32](#), [SI 2019/753 – Reg. 40](#)

H8.07: [Implementing regulation for the characteristic of fishing vessels](#)

Amended by: [SI 2019/739 – Reg. 34](#)

H8.10: [Control Regulation](#)

Amended by: [SI 2019/739 – Reg. 4](#), [SI 2019/753 – Reg. 27](#)

Article 8 2 (as amended by SI 2019/753 – Reg. 27) allows “A fisheries administration may make regulations specifying detailed rules for the marking and identification of fishing vessels and their gear”. Article 119 describes a procedure.

H8.10A: [Approved sampling plans for weighing](#)

H8.10B: [List of Union Inspectors](#)

H8.11: [Control Regulation detailed rules](#)

Amended by: [SI 2019/739 – Reg. 5](#)

Article 9 prohibits fishing activities with “passive gear, buoys, and beam trawls, which are not marked and identifiable in accordance with the provisions of Articles 10 to 17 of this Regulation”, or carrying on board “passive gear which is not labelled in accordance with Article 11(2) of this Regulation;” or “buoys which are not marked in accordance with Article 13(2) of this Regulation”.

Article 11 requires “that each passive gear carried on board or used for fishing is clearly marked and identifiable in accordance with the provisions of this Article”, requiring labels displaying the “external registration letters and numbers displayed on the hull of the fishing vessel to which it belongs”.

Article 12 gives specifications for the material, fitting, and size of labels.

Article 14 requires that “the cords linking the buoys to the passive gear shall be of submersible material, or shall be weighted down”.

Article 15 requires that “The mast of each end marker buoy shall have a height of at least 1 metre above the sea level measured from the top of the float to the lower edge of the bottom most flag.

3. End marker buoys shall be coloured, but may not be red or green.

4. Each end marker buoy shall include:

(a) one or two rectangular flag(s); where two flags are required on the same buoy, the distance between them shall be at least 20 centimetres. Flags indicating the extremities of the same gear shall be of the same colour and may not be white and shall be of the same size;

(b) one or two light(s), which shall be yellow and give one flash each 5 seconds (F1 Y 5s), and be visible from a minimum distance of 2 nautical miles”

and that

“Each end marker buoy may include a top sign on the top of the buoy with one or two striped luminous bands which shall be neither red nor green and shall be at least 6 centimetres broad.”

Article 16 requires end marker buoys “in the western sector...shall be rigged with two flags, two striped luminous bands, two lights and a label” and “in the eastern sector...shall be rigged with one flag one striped luminous band, one light and a label” in accordance with Article 12 of this regulation. The label shall contain the information contained in Article 13(2) of this Regulation.

Article 17 requires “intermediary marker buoys shall be deployed at distances of not more than 5 nautical miles so that no part of the gear extending 5 nautical miles or more shall be left unmarked”; “fitted with a flashing light which shall be yellow and give one flash every 5 seconds (F1 Y 5s) and be visible from a minimum distance of 2 nautical miles. They shall have the same characteristics as those of the end marker buoy in the eastern sector, except that the flag shall be white”, except “in the Baltic Sea intermediary marker buoys...shall be deployed at distances of not more than 1 nautical mile so that no part of the gear extending 1 nautical mile or more shall be left unmarked” and “Intermediary marker buoys shall have the same characteristics as those of the end marker buoy in the eastern sector except for the following: (a) the flags shall be white; (b) every fifth intermediary marker buoy shall be fitted with a radar reflector giving an echo of at least 2 nautical miles.”

Annex IV of this document includes diagrams showing the characteristics of marker buoys.

H8.13: [EFCA](#)

H8.15: [Western Waters and North Sea SCIP for demersal and pelagic species](#)

H8.16: [North Sea real time closures](#)

Amended by: [SI 2019/739 – Reg. 7](#)



H8.23: [Registered Buyers and Sellers Regulation](#)

Amended by: [SI 2015/191 – Art. 4](#)

H8.24: [The Fish Labelling Regulations](#)

Amended by: [SI 2019/746 – Reg. 10](#)

H8.25: [The Sea Fishing \(Points for Masters of Fishing Boats\) Regulations 2014](#)

Amended by: [SI 2019/746 – Reg. 11](#), [SI 2018/643 – Reg. 10-11](#)

H8.70: [Cod Recovery Plan control measures](#)

Amended by: [SI 2019/753 – Reg. 25](#), [SI 2019/1312 – Reg. 7](#), [A 2020/C22 – Schedule 11](#)

H8.71: [CRZ effort regime - excluded vessel groups.](#)

H8.72: [Cod Recovery Plan detailed rules](#)

H8.80: [Multiannual plan for Western Waters Demersal stocks](#)

Amended by: [SI 2019/1312 – Reg. 6](#), [A 2020/C22 – Schedule 11](#), [SI 2019/753 – Reg. 25](#)

H8.90: [Western waters effort and biologically sensitive area](#)

Amended by: [SI 2019/753 – Art. 31](#)

H8.92 [NEAFC scheme of control and enforcement](#)

Amended by: [SI 2019/753 – Art. 5](#)

Article 6.1 – “Member States shall ensure that gear used by their fishing vessels in the Regulatory Area is marked in accordance with Commission Regulation (EC) No 356/2005 of 1 March 2005 laying down detailed rules for the marking and identification of passive fishing gear and beam trawls.”

H8.93 [NEAFC Control and Enforcement Detailed Rules](#)

Amended by: [SI 2019/753 – Art. 6](#)

H8.94 [NAFO Conservation and Enforcement Measures](#)

Article 14 5 – “No fishing vessel shall: (a) use gear that is not marked in accordance with generally accepted international standards, in particular the 1967 Convention on

Conduct of Fishing Operations in the North Atlantic; or (b) deploy any marker buoy or similar object floating on the surface and intended to indicate the location of fixed fishing gear without displaying the vessel's registration number.”

H8.95: [The Sea Fishing \(Penalty Notices\) \(England\) Order 2011](#)

Amended by: [SI 2020/1635 – Art. 2](#)

H8.97: [Common marketing standards \(size, weight\) for certain fishery products](#)

Amended by: [SI 2019/753 – Reg. 34](#), [SI 2019/739 – Reg. 20](#)

### **At Section I of the Blue Book, there are 3 Licensing Regulations**

I9.10: [The Sea Fish Licensing Order 1992](#)

Amended by: [A 2020/C22 – Schedule 4](#)

I9.40: [The Receiving of Trans-shipped Sea Fish \(Licensing\) Order 1982](#)

Amended by: [SI 1983/1139](#)

I9.50: [The Sea Fishing \(Licences and Notices\) \(England\) Regulations 2012](#)

Amended by: [SI 2019/523 – Reg. 5](#), [A 2020/C22 – Schedule 4](#)

None of the above describes anything directly relevant to the characteristics of floats and buoys.

### **At Section J of the Blue Book, there are 16 marine environmental protection and habitats regulations**

J10.10: [The Conservation of Habitats and Species Regulations 2017](#)

Amended by: [SI 2019/579](#), [SI 2018/1307 – Reg. 2](#)

J10.20: [Protection of vulnerable marine ecosystems from bottom towed gear](#)

Amended by: [SI 2019/739 – Reg. 26](#)

J10.50: Conservation of Offshore Marine Habitats and Species Regulations 2017

Amended by: [SI 2019/579 – Pt. 4](#)

J10.60: [The Lyme Bay Designated Area \(Fishing Restrictions\) Order 2008](#)

Amended by: [SI 2009/1675 – Art. 2](#)

J10.70: [The Fal & Helford Designated Area \(Fishing Restrictions\) Order 2008](#)

J10.80: [The Solent European Marine Site \(Prohibition of method of Dredging\) Order 2004](#)

J10.90: [Haisborough Hammond and Winterton MMO Byelaw](#)

J10.91: [Land's End and Cape Bank MMO Byelaw](#)

J10.92: [Start Point to Plymouth Sound and Eddystone MMO Byelaw](#)

J10.93: [Inner Dowsing and Race Bank MMO Byelaw](#)

J10.94: [Conservation of Seals Act 1970](#)

Amended by: [A 2020/C22 – Schedule 9](#)

J10.95: [The West of Walney Marine Conservation Zone \(Specified Area\) Bottom Towed Fishing Byelaw 2018](#)

J10.96: [The Dogger Bank Special Area of Conservation \(Specified Area\) Bottom Towed Fishing Gear Byelaw 2022](#)

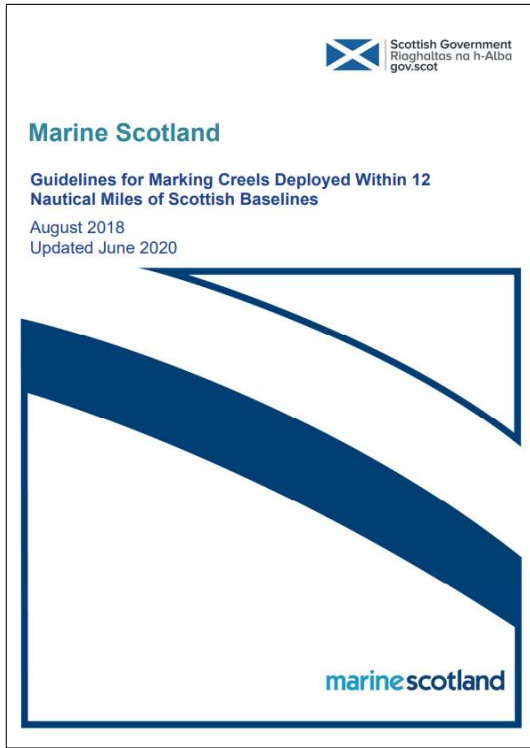
J10.97: [The Margate and Long Sands European Marine Site \(Specified Areas\) Bottom Towed Fishing Gear Byelaw; 2017](#)

J10.98: [The South Dorset Marine Conservation Zone \(Specified Area\) Bottom Towed Fishing Gear Byelaw 2022](#)

J10.99: [The Canyons Marine Conservation Zone \(Specified Area\) Prohibited Fishing Gears Byelaw 2022](#)

None of the above describes anything directly relevant to the characteristics of floats and buoys.
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# View the Marine Scotland Guidelines for Marking Creels Deployed Within 12 Nautical Miles of Scottish Baselines online version [here](#).



**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 creels 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 creel 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 creels, and breaching regulations to avoid loss.

Marine Scotland is therefore issuing guidelines which set out best practice for marking creels. We believe that these guidelines strike a balance to ensure creels are visible and reduce the risk of accidental gear conflict. However, a small number of fishermen may wish to mark their creels 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 creel marking.

It is clear that some fishermen are marking creels using inappropriate equipment that result in poor visibility and/or poorly secured marking equipment. Marine Scotland will introduce regulations (The Marking of Creels (Scotland) Order 2020) which will ban the use of equipment not manufactured for the purpose of marking creels. Creels should therefore no longer be marked with objects such as milk cartons or netted footballs, for example.

**Guideline 1:**

For a fleet of creels, fishing for *Nephrops*, deployed within 12 nautical miles from Scottish Baselines, by licensed 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 creels which meet the new minimum standards would be more visible.

**Guideline 2:**

For creels, 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 licensed 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 creels, 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 licensed 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.

**Creel Marking**

Where the creels belong 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 creels that have been 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 creels in an unauthorised area and/or to remove unmarked creels.

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View the Marine Scotland Marking of Creels (Scotland) Order 2020 online version [here](#).

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## MARKING OF CREELS (SCOTLAND) ORDER 2020


### WITH EFFECT FROM 20 JUNE 2020

Creels deployed must have one or more marker buoy attached with the vessels' PLN clearly displayed. Marker buoys must be specifically designed for the marking of equipment in the water.



Fleets of 10 or more creels must have one or more marker buoy at each end of the fleet. All marker buoys fixed to the same fleet of creels must display the same PLN number.

Only one PLN is to be marked on each buoy.



This is to be clearly marked and legible above the water line.

### FURTHER INFORMATION

More information can be found on the Marine Scotland website:  
[www.gov.scot/publications/creel-marking/](http://www.gov.scot/publications/creel-marking/)

If you have any questions about the new measures, please contact your local Fishery Office:  
[www2.gov.scot/Topics/marine/Compliance/fishoffices](http://www2.gov.scot/Topics/marine/Compliance/fishoffices)



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