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## **Rural Affairs, Islands and Natural Environment Committee**

# **Subordinate legislation considered by the Rural Affairs, Islands and Natural Environment Committee on 9 February 2022**



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# Rural Affairs, Islands and Natural Environment Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs and Islands.



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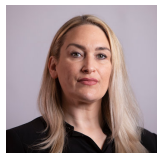
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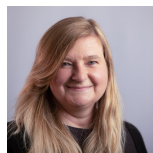
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**Jenni Minto**  
Scottish National Party



**Mercedes Villalba**  
Scottish Labour

# Aquaculture and Fisheries etc. (Scheme for Financial Assistance) (Scotland) Regulations 2022.

1. At its meeting on 9 February 2022, the Rural Affairs, Islands and Natural Environment Committee considered the Aquaculture and Fisheries etc. (Scheme for Financial Assistance) (Scotland) Regulations 2022.
2. The Cabinet Secretary for Rural Affairs and Islands, Mairi Gougeon, accompanied by Scottish Government officials attended the meeting to provide evidence to the Committee on the instrument and move the motion
3. The instrument is subject to the affirmative procedure and is due to come into force on 1 April 2022.

## Background

4. Before EU exit, the common fisheries policy provided financial assistance through the European Maritime and Fisheries Fund (EMFF) to UK beneficiaries engaged in the catching, harvesting, processing and marketing of sea fisheries and produce from marine and fresh water aquaculture. It also supported environmental improvements, research and innovation, and assisted coastal communities to adapt to changing circumstances and employment opportunities.
5. Following the UK's withdrawal from the EU, and the common fisheries policy, it was recognised that a replacement funding scheme for the EMFF was required. The powers for the Scottish Ministers to make this provision were made in the UK Fisheries Act 2020.
6. The instrument would establish a scheme under which the Scottish Ministers may give financial assistance (in the form of grants and loans) to the fisheries and aquaculture sectors in Scotland. The instrument would allow the Scottish Ministers to give grants and make loans in relation to Scotland, the Scottish zone or Scottish fishing boats for any of the following purposes:
  - the conservation, enhancement or restoration of the marine and aquatic environment;
  - the promotion or development of commercial fish or aquaculture activities;
  - the reorganisation of businesses involved in commercial fish or aquaculture activities;
  - contributing to the expenses of persons involved in commercial fish or aquaculture activities;
  - maintaining or improving the health and safety of individuals who are involved in commercial fish or aquaculture activities;
  - the training of individuals who are, were or intend to become involved in

- commercial fish or aquaculture activities, or are family members of such individuals;
- the economic development or social improvement of areas in which commercial fish or aquaculture activities are carried out;
  - improving the arrangements for the use of catch quotas or effort quotas;
  - the promotion or development of recreational fishing.
7. The instrument would also confer enforcement functions on British sea-fishery officers appointed or employed in Scotland to enforce any offence or suspected offence committed in relation to an application for a grant or a loan made under the scheme (e.g. if funds allocated under the scheme are not spent).
8. The policy note accompanying the instrument states that the Scottish Government was not required under the Fisheries Act 2020 to consult with stakeholders ahead of making this instrument.
9. The instrument does not include any detailed guidance on the scheme. The Cabinet Secretary told the Committee the Scottish Government will publish guidance setting out the specific range of activities that can be funded, and the eligibility criteria, in due course.

## Committee consideration of the instrument

10. In evidence with the Cabinet Secretary, the Committee raised a number of issues in relation to the development of the financial assistance scheme. Members asked whether payments under the scheme would be linked to certain criteria, citing the United Nations sustainable development goal 14. In response, the Cabinet Secretary told members that:

” I want to emphasise that we are not setting out the creation of a fund through the regulations. The regulations simply set out the framework for funding and give us additional powers as to what we can look to fund—it expands the range of activities that we can look to fund.

Source: Rural Affairs, Islands and Natural Environment Committee, Official Report, 9 Feb 2022, Col: 32

11. The Cabinet Secretary went on to refer to a number of pieces of work underway - such as the blue economy strategy - and stated that:

” As we look to develop the criteria for future funding, we will make sure that that aligns with the visions that we will set out and with the different strategies that we will have in place at that point. We are not at the stage of establishing the criteria for that; the regulations simply allow us to fund a wider range of activities.

Source: Rural Affairs, Islands and Natural Environment Committee, Official Report, 9 Feb 2022, Col: 32

12. The Committee asked about the lessons learned from previous support schemes and, specifically, about the support provided in relation to statutory costs. The Cabinet Secretary referred to the on-going work to develop the criteria and

guidance for future funding. The Cabinet Secretary undertook to write to the Committee to provide further information on this issue.

13. The Committee also asked about how the scheme differs in budget and scope from the EMFF.
14. With respect to the development of the scheme, the Committee asked about the level of stakeholder engagement and the length of time it would take to develop guidance in relation to the scheme. The Cabinet Secretary explained that the Scottish Government does not usually consult on technical guidance but that consultation would be undertaken in respect to the strategies that are currently in development.
15. The Committee asked about the potential overlap between Scottish & UK wide schemes, especially the UK seafood fund.
16. Finally, the Committee asked whether the scheme would support Scottish registered vessels or any vessel operating in Scottish territorial waters. Scottish Government officials were confident the scheme would relate specifically to Scottish registered vessels but agreed to confirm this position in writing.

## **Committee consideration of the motion**

17. After the debate, the Cabinet Secretary moved motion S6M-02734 —  
  
That the Rural Affairs, Islands and Natural Environment Committee recommends that the Aquaculture and Fisheries etc. (Scheme for Financial Assistance) (Scotland) Regulations 2022 [draft] be approved.
18. The motion was agreed to by division (for 7, against 1, abstentions 1).
19. The official report of the meeting can be accessed on the [Scottish Parliament's website](#).

The Rural Affairs, Islands and Natural Environment Committee recommends to the Scottish Parliament that the Aquaculture and Fisheries etc. (Scheme for Financial Assistance) (Scotland) Regulations 2022 [Draft] be approved.



