

Note by the Clerk on the Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2026 (SSI 2026/10)

Introduction

1. Since 2001, an area in the Firth of Clyde has been closed to fishing for 11 weeks between 14th February and 30th April to protect spawning cod and promote recovery of the stock.
2. Provision for the closure has previously made every two years via subordinate legislation under the negative procedure. Further information about the Committee's consideration of previous orders is set out below.
3. In anticipation of an order being laid relating to the seasonal closure of an area of the Firth of Clyde to fishing in 2026, the Committee agreed at its meeting on 14 January 2026 to take evidence from stakeholders on 28 January 2026 and the Cabinet Secretary on 11 February 2026.
4. The [Sea Fish \(Prohibition on Fishing\) \(Firth of Clyde\) Order 2026](#) (SSI 2026/10) was laid on 16 January 2026 and will be formally considered by the Committee after it takes evidence from the Cabinet Secretary on 11 February 2026.

The Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2026

5. The policy note for the 2026 order states the order “maintains the same protections afforded by the previous closure, prohibiting all fishing activity within ... two areas of the Firth of Clyde from 14 February until 30 April, for 2026, 2027 and 2028”. The policy note does not state why the 2026 provides for closures for three years when previous orders have provided for closures for two years.
6. The policy note also states the order “prohibits fishing activity within ...[an] area of the Firth of Clyde for all vessels without a valid track record during 2026, 2027 and 2028 in order to prevent further increases in cod mortality”. The note states this area will also be subject to a targeted scientific programme (TSP).
7. The TSP would be a “collaborative programme [which] will take place throughout the year” and would “pave the way for future management of this stock where the impact of all fishing sectors on cod mortality, as well as the distribution and dynamics of spawning and juvenile cod are better understood and used to inform adaptive management”.
8. The policy note is set out in the annexe to this paper.
9. The [Scottish Government consulted on the future of the Clyde seasonal closure beyond 2026 in August and September 2025](#).

10. The [Scottish Government published its analysis of the consultation on the Clyde Seasonal Closure 2026 to 2028 and its response to the consultation on 16 January 2026](#).
11. The Committee has been sent the following correspondence in relation to the 2026 order—
 - [Letter from the Scottish Creel Fishermen's Federation, dated 21 January 2026, setting out its view about issues and omissions in the Scottish Government's analysis of consultation responses](#).
 - [Letter from SIFT, dated 19 December 2025, which highlighted its concerns](#) that “this process is fatally flawed and [calling on the Scottish Ministers] to return with a new consultation which accurately reflects the science”.

Seasonal closures to fishing in the Firth of Clyde

12. The Committee considered previous orders relating to closures in 2022/23 and 2024/25.
13. As a result of concerns raised in relation to the order for the **2022/23 closure**, the Scottish Government withdrew and amended the order twice before laying the Sea Fish (Prohibition on Fishing) (Firth of Clyde) (No. 2) Order 2022. As a result of the concerns raised by stakeholders about the proposals, the [Committee held a short call for views on the 2022 order](#) and then [took evidence on the 2022 order from stakeholders on 2 March 2022 and from the Cabinet Secretary, and considered a motion to annul the order, on 9 March 2022](#).
14. In advance of the Committee's consideration of the order for the **2024/25 closure**, the Minister for Energy and the Environment provided additional information before the order was laid. The Minister also responded to the Committee's request for information about the scientific basis underpinning the proposals. The [Committee took evidence on the 2024 order from the Cabinet Secretary, and considered a motion to annul the order, on 28 February 2024](#).
15. Issues regarding the scientific evidence base informing the Scottish Government's approach to previous closures and the Committee's scrutiny are covered in two SPICe blogs published in September 2024—
 - [The Clyde cod controversy: a case study of evidence-based fisheries management – part 1](#)
 - [The Clyde cod controversy: a case study of evidence-based fisheries management – part 2](#)
16. The Committee referred to the issues relating to the Marine Directorate's capacity for scientific evidence gathering raised by these two orders as part of its rationale for focusing its [budget scrutiny for 2025 to 2026 on the Marine Directorate budget](#).

17. Since the Committee's consideration of the order relating to the 2024/25 closure, there have been a number of developments, including—

- [Paper setting out the key outputs from the Clyde cod stock assessment conducted by the University of Strathclyde, provided by Professor Michael Heath, 22 January 2026.](#)
- the [publication of a University of Strathclyde paper, *An Assessment of Cod in the Firth of Clyde*, by Robin Cook, Ana Catarina Adão and Michael Heath in September 2025.](#) The abstract for the paper states that—

“The assessment estimates very high rates of fishing mortality and a substantial decline in spawning stock biomass. Currently, the high rates of fishing are attributable to bycatch of cod in the Nephrops fishery.

Estimates of Maximum Sustainable Yield (MSY) derived from the assessment show that the spawning stock biomass is less than 10% of the biomass expected at MSY. The stock appears to have collapsed around the year 2000. Fishing mortality from 2001-2014 was at or exceeded values that would be expected to cause stock collapse (F_{crash}). Current fishing mortality (as of 2019) is close to F_{crash} .

Investigating the productivity of the stock (the number of recruits produced per tonne of spawning biomass) shows that the current productivity is within the historical range and above rates in the mid-1980s. It does not appear that stock decline is the result of impaired productivity.

The most likely cause of the failure of the stock to recover is the high rate of fishing resulting from the bycatch in the Nephrops trawl fishery. Stock recovery needs to focus on measures to reduce bycatch, perhaps by changing gear design. Enhancing productivity through the protection of spawning behaviour is unlikely to be successful at current rates of exploitation.”

- the [Scottish Government published a report on the scientific and compliance work carried out in support of the 2024 Clyde closure on 10 January 2025.](#) The report finds that—

“Scientific work carried out to date indicates that spawning cod were found both inside and outside the closure area, with similar proportions of spawning and non-spawning cod in each. Given the low number of cod encountered, it is impossible to draw firm conclusions on the relative abundance or proportions of spawning cod inside and outside the closure area.

The proportion of cod bycaught on the observed fishing trips was very small compared to other species in the bycatch. Given the small number of fish caught and trips observed, it is impossible to conclude more than to confirm the presence of spawning cod in the locations fished, and the low proportion of cod bycatch.

The limited samples and few occurrences of cod capture during 2024 monitoring work do not give sufficient confidence to make further decisions.”

- an [ESS investigation on the effectiveness of the current arrangements to execute compliance with statutory requirements relating to the sustainable management of cod stocks and fisheries in Scotland](#) remains ongoing.
- [Ana Catarina Adão's PHD thesis, *The role of discarding in the recovery of a heavily fished marine ecosystem: A case study in the Firth of Clyde*, published in January 2025.](#) The abstract states that “Almost 100% of these fish are discarded due to trawlers not possessing licenses to land whitefish or because the fish are below the minimum conservation reference size. Even though targeted fishing for whitefish had effectively ceased by the early 2000s, there are still no signs of stock recovery in the Clyde.” The thesis suggests that fishing mortality from bycatch in the Nephrops fishery is a likely significant factor in the lack of recovery of the cod and whiting stocks in the Clyde.

**Clerks to the Committee
January 2026**

Policy note for the Sea Fish (Prohibition On Fishing) (Firth of Clyde) Order 2026 (SSI 2026/10)

The above instrument was made in exercise of the powers conferred by sections 5(1)(a), 5(2) and 20(1) of the Sea Fish (Conservation) Act 1967 and all other powers enabling them to do so. The instrument is subject to negative procedure.

Summary

The purpose of the Instrument is to support the recovery of the cod stock in the Firth of Clyde while maintaining the appropriate balance of our environmental and socio-economic obligations under the Fisheries Act 2020.

Policy Objectives

Since 2002, seasonal restrictions on certain fishing activities have been applied annually in a designated area of the Firth of Clyde between 14 February and 30 April to protect spawning cod. From 2022, this included removal of historic exemptions for creel vessels, *Nephrops* trawlers and scallop dredgers, in an effort to improve the likelihood of cod stock recovery.

Despite ongoing management efforts, cod in the Clyde have shown limited signs of improvement and this stock is thought to be at a level that could undermine recovery. Our scientific advisors consider that there is potential for stock recovery but it requires a long-term commitment to improving the evidence base and implementing adaptive management that responds to emerging evidence, rather than relying solely on the current closure.

The objective of this policy is to maximise the potential for cod recovery in the Firth of Clyde. This will be accomplished, taking a proportionate approach that strikes a balance between environmental and socio-economic obligations under the Fisheries Act 2020.

The order maintains the same protections afforded by the previous closure, prohibiting all fishing activity within the following two areas of the Firth of Clyde from 14 February until 30 April, for 2026, 2027 and 2028:

Part 2 (North Area)

A 55° 30.000' N 005° 05.472' W
B 55° 30.000' N 005° 00.000' W
C 55° 23.820' N 005° 00.000' W
D 55° 23.820' N 005° 24.600' W
E 55° 30.000' N 005° 24.600' W
F 55° 30.000' N 005° 19.947' W

Part 3 (South Area)

A 55° 25.713' N 005° 32.426' W
B 55° 26.100' N 005° 31.920' W
C 55° 17.220' N 005° 16.860' W
D 55° 10.680' N 005° 14.700' W
E 55° 12.960' N 005° 08.940' W
F 55° 13.860' N 005° 00.000' W

RAI/S6/26/4/3

Annexe

G 55° 06.797' N 005° 00.000' W
H 55° 00.000' N 005° 02.496' W
I 55° 00.000' N 005° 05.170' W
J 55° 00.000' N 005° 10.120' W
K 55° 00.000' N 005° 21.000' W
L 55° 17.962' N 005° 47.914' W
M 55° 25.088' N 005° 33.303' W
N 55° 25.392' N 005° 33.065' W

The instrument also prohibits fishing activity within the following area of the Firth of Clyde for all vessels without a valid track record during 2026, 2027 and 2028 in order to prevent further increases in cod mortality. This area will also be subject to a Targeted Scientific Programme (TSP). This collaborative Programme will take place throughout the year, within the area described at Part 1. It will pave the way for future management of this stock where the impact of all fishing sectors on cod mortality, as well as the distribution and dynamics of spawning and juvenile cod are better understood and used to inform adaptive management. The TSP will be authorised by Ministers' powers under section 9 of the Sea Fish (Conservation) Act 1967.

Part 1

O is 55° 00.000' N 005° 10.120' W
P 55° 00.000' N 005° 21.000' W
Q 55° 17.962' N 005° 47.914' W

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, The Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

A public consultation ran from 31 July until 25 September 2025 seeking views on a range of proposals and asking respondents to suggest alternative or complimentary approaches.

The 44 responses reflected highly diverse perspectives on all the proposals and other potential approaches, varying both across stakeholder groups and within them. In interpreting these responses care was taken to balance the analysis,

recognising that some organisational submissions often reflect the views of multiple members or sectors.

Responses demonstrated strong engagement and high awareness of Clyde cod recovery. While there was support for protecting spawning cod, respondents differed on whether the current closure design, timing, and duration represent the most effective or proportionate approach. There was opposition to retention of the seasonal closure in its current form until 2028 and scepticism about its benefits. The range of views expressed highlighted the challenges in developing management options and pointed to a more holistic approach.

Responses to the consultation supported a collaborative approach to the TSP, working in partnership and putting fishers at the centre of this process supported by scientists.

We acknowledge consultation responses regarding critical knowledge gaps on spawning distribution and stock structure. This supports a broader adaptive approach to management, one led by science. The introduction of access control to the Firth of Clyde for the next three years is intended to support the TSP, and help ensure fishing mortality does not increase.

A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website.

Impact Assessments

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached to this instrument. An Equality Impact Assessment (EQIA) has not been completed for this instrument as there are no direct or indirect effects on specific protected characteristics set out in the Equalities legislation, and a Fairer Scotland assessment is available on the Scottish Government website. The instrument has no direct or indirect effect on children or young people.

A full Island Communities Impact Assessment (ICIA) has not been completed as the instrument is not likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities). A Strategic Environmental Assessment (SEA) has not been completed because this is not a new policy.

No adverse impacts were identified in relation to matters of children's rights and wellbeing, or data protection and privacy.

When preparing this legislation, the Scottish Government has considered and had due regard to the environmental principles contained within the UK Withdrawal from the European Union (Scotland) (Continuity) Act 2021 ('the Continuity Act').

Financial Effects

A final Business and Regulatory Impact Assessment (BRIA) has been completed and is attached.

RAI/S6/26/4/3
Annexe

Analysis suggests that maintaining the status quo of no exemptions for *Nephrops* trawlers or creel vessels could cost the fishing sector between £182,000 and £969,000 per year, in 2024 prices. This is a cost of between £4,000 and £19,000 per affected vessel per year, or between 2% and 9% of their total landings. The total number of affected vessels fell from 60 in 2021 to 49 in 2024.

We consider that there will no measurable cost to businesses as a result of the access limit as vessels who have a track record of fishing in this area will be able to continue to do so.

Scottish
Government
Marine Directorate
13-JAN-2026