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Convener
Rural Affairs and Islands Committee
Scottish Parliament
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By email: rural.committee@parliament.scot

8 October 2024

Dear Finlay,

It was good to meet the Committee on 25 September as part of your Pre-Budget Scrutiny, and I am happy to address your follow up questions.

- **The availability of the laboratories at the University of Aberdeen for the use of Marine Directorate staff, and whether staff are currently working in those facilities**

After the storm Arwen incident in November 2021, Building C at the Science, Evidence, Data and Digital (SEDD) Aberdeen site was closed and subsequently demolished. Alternative premises were identified at the University of Aberdeen to temporarily accommodate some of the 40 laboratories lost from the closure of Building C.

SEDD has seven staff operating out of the University of Aberdeen laboratories conducting method validation on physical and chemical analytical techniques. This will enable SEDD to submit accredited data to meet the statutory requirements under the Oslo and Paris Convention Coordinated Environmental Monitoring programme, and for reporting against the good environmental status descriptors for the UK Marine Strategy.

SEDD chemists have been operating out of the University of Aberdeen laboratories since August 2023. To date analytical equipment has been relocated from the SEDD Aberdeen site to the university laboratories where it has been installed, calibrated and the validation of analytical methods is ongoing. SEDD operates a quality management system that covers most of its analytical methods which will be accredited by the United Kingdom Accreditation System (UKAS). The accreditation of the analytical methods is essential to demonstrate the quality of our data and is a prerequisite for successful data submission to international bodies.

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In order to gain accreditation the analysis of ‘reference material’ i.e. previously assessed samples has to be successfully undertaken against a range of indicators. This is a complicated and time consuming process but is necessary in order to gain the accreditation required to successfully submit contaminant data to various bodies such as ICES and OSPAR.

The expectation is that accreditation will be achieved in early 2025.

- **The total figure allocated for “enforcement”, and a breakdown of that amount, within the budget for the Marine Directorate**

The total Marine Directorate budget for 2024-25 is £78 million which covers resource, capital and non-cash (depreciation) spend. The table below sets out the overall budget with the resource budget (£64.6 million) which is allocated across the five portfolio areas.

	2024-25 Budget £m
Marine Scotland (Portfolio Breakdown)	
Operational Delivery	29.3
Science, Evidence, Data and Digital	16.5
Marine Economy and Communities	4.1
Marine Environment	8.3
Corporate, Strategy and Marine Planning	6.4
Fiscal Resource Total	64.6
Non-cash	6.1
Capital	7.3
Total	78.0

The Operational Delivery portfolio allocation (£29.3 million) includes budget provision for the Licencing and Consenting team, the crewing and operational costs of the research vessels and the Compliance (enforcement) costs.

The Compliance (enforcement) element is £22.7 million which is broken down as follows:

- Marine Operations - £14.9 million
- Aerial Operations - £1.2 million
- Coastal Operations - £4.8 million
- Operations Support - £1.8 million
- **The penalty scale in place for non-compliance by fishing vessels**

The sea fisheries offences which are eligible for a Fixed Penalty Notice have been organised into the following broad categories:

- marketing offences;
- miscellaneous offences;
- technical conservation gear offences;

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- technical conservation catch offences;
- recovery and special permit stock offences;
- control order offences which are related to logbooks, licences and satellite monitoring; and
- access offences.

These categories are based on a general scale of seriousness. Offences falling within the least serious categories (e.g. marketing or miscellaneous offences) are more likely to be dealt with by having a penalty imposed at Level 1 (see below table) whereas offences falling within the most serious categories are more likely to be dealt with at the higher levels.

The level of penalties are set out below and as referenced above are determined by level of severity along with a number of other factors e.g. financial gain.

Penalty Level	Amount
1	£500
2	£1000
3	£2000
4	£4000
5	£5000
6	£8000
7	£10000

Under the Aquaculture and Fisheries (Scotland) Act 2007 (Fixed Penalty Notices) Order 2015, and within the parameters agreed by Parliament, the scale of the existing penalty levels were doubled. In addition, three further penalty levels were included.

Multiple offences committed at the same time, each of which qualify for a FPN, may be categorised and given individual fixed penalties at the discretion of staff within Surveillance and Enforcement Branch of Marine Directorate. The maximum penalty set in the legislation for a single FPN is now £10,000. If a number of offences are being considered together and the total gain made from those offences is in excess of £10,000 then the case will automatically be referred to COPFS.

Further guidance is available in the Marine Scotland [Fixed Penalty Notices - Guidance for Industry](#).

- **Whether the savings taken from the portfolio budget in previous years were deducted from ringfenced money from the UK Government or from additional monies allocated by the Scottish Government.**

The RALRI budget, and the Agriculture Support & Related Services budget lines within that, are overall budgets funded by a combination of the UK Government funding ring fenced for supporting farmers, land managers, rural communities and rural businesses, and funding allocated by the Scottish Government.

There is no specific breakdown of this funding. For internal purposes, we treat all savings from the budgets that were historically funded from the Common Agriculture Programme (CAP) funding (which the UK Government funding ring fenced replaces) as if they have

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come from the ring-fenced funding, and savings from these budgets are returned to the portfolio in future years.

Finally, I would like to take this opportunity to revisit the Committee's question about the timeframes of the 2024-25 Islands Programme, and confirm that the Investment Panel met on 18 September 2024 to discuss applications and agree on funding recommendations. The First Minister announced the successful applicants during his visit to Shetland for the Convention of the Highlands and Islands yesterday.

I hope this is helpful.



MAIRI GOUGEON

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