



THE REFORM OF REGIONAL INSHORE FISHERY GROUPS

SIFT POSITION PAPER

DECEMBER 2018

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The Reform of RIFGs

1. Introduction

In its work package on legal reform, SIFT is advocating for the development of a system of statutory regional fisheries bodies with powers to adopt binding management measures. SIFT recognises that such reform may take time and a stepwise approach may be needed in order to work towards this long-term goal. With this in mind, this position paper is focussed on the question of how existing RIFGs should be reformed in the short-term in order to improve their performance, with a view to reaching a situation where management powers could potentially be conferred on RIFGs in the future.

In its recent position paper on RIFGs¹, SIFT identified a number of shortcomings with the current operation of RIFGs, including:

- the lack of transparency concerning membership and decision-making processes;
- the lack of engagement with important marine stakeholders, including NGOs and coastal communities;
- the lack of rigour in the development of fisheries management plans; and
- the ambiguous relationship between RIFGs and the regional marine planning process.

In particular, the SIFT position paper highlighted the fact that RIFGs were operating as non-constituted bodies, which led to a number of the deficiencies described above. A simple step towards promoting greater RIFG transparency and accountability would be to insist that RIFGs operated according to a constitution, which defined the parameters within which these bodies would work, including defining membership, decision-making processes, and their relationship with other organizations and processes. These are not straightforward issues and this paper is intended to serve as a basis for discussion on how RIFGs should operate, drawing, where appropriate, on different models of fisheries governance that have been employed in other contexts.

¹ Sustainable Inshore Fisheries Trust, *Regional Inshore Fishery Groups - Policy, Practice and Problems: Position Paper* (June 2018).

Before turning to the substantive issues, it is worth highlighting a number of assumptions that are made for the purposes of this paper:

- RIFGs will remain advisory bodies, with no formal powers to adopt legally binding conservation or management measures - this power will remain in the hands of the Scottish Ministers under the relevant fisheries legislation;
- The existing geographical coverage of RIFGs will remain unchanged, with RIFGs pertaining to the West Coast, the Outer Hebrides, and the North and East Coast and distinct arrangements continuing in Orkney and Shetland;
- RIFGs will remain responsible for fisheries related issues within the 6 nautical mile limit.²

Within these parameters, this paper will discuss the objectives, structure, membership and decision-making processes of RIFGs. The idea that RIFGs should operate according to a clear and transparent constitutional framework is not only a requirement of good governance, but it is also in line with the initial Scottish Government proposals for the establishment of IFGs, which assumed that these bodies would be established as unincorporated associations³ on the basis of a constitution setting out their mandate, membership, institutional structure, and decision-making procedures. In general, this is an approach that SIFT supports and the starting point for the following discussion will be the model constitution that was proposed by the then Marine Directorate of the Scottish Government in order to ensure the ‘proper and smooth running of an Inshore Fishery Group.’⁴ Part two of the paper presents a number of recommendations for reforms to this model constitution that SIFT believes are necessary in order to improve the legitimacy of RIFGs as key actors in relation to inshore fisheries policy-making. Part three of the paper then presents a revised model constitution which builds upon the original draft produced by the Scottish Government, with modifications to promote greater transparency and accountability of RIFGs.

² SIFT has previously argued that Brexit presents an opportunity to extend the mandate of RIFGs out to 12 nautical miles; see Sustainable Inshore Fisheries Trust, *Legislative Reform of Scotland’s Inshore Fisheries: Position Paper* (October 2017) 18.

³ Defined by the UK Government as ‘an organisation set up through an agreement between a group of people who come together for a reason other than to make a profit’: <https://www.gov.uk/unincorporated-associations>. This is the legal status of Inshore Fisheries and Conservation Authorities and Marine Planning Partnerships.

⁴ See Scottish Government, *Inshore Fisheries Groups Constitution and Guidance Notes*, 1.

2. Key Recommendations for RIFG Reform

a) Objectives

RIFGs were established as non-statutory bodies with the aim to improve the management of inshore fisheries out to 6 nautical miles by acting as conduits for the fishing industry to advise government on wider marine developments. The original model constitution prepared by the Scottish Government placed a responsibility on the RIFGs to assist the Scottish Ministers with creating a Scottish sea fishing industry that is sustainable and profitable and supports strong local communities, managed effectively as an integral part of coherent policies for the marine environment. With this in mind, the key tasks of the RIFGs are to develop a management plan for fisheries within their area and to propose policies and measures to further the objectives of those plans. These objectives all remain relevant to the task of RIFGs, but SIFT believes that they need to be updated and accompanied by a set of clear principles to guide RIFGs in their decision-making. With this in mind, SIFT recommends a number of revisions to clause 2 of the model constitution on the objects of RIFGs.

Firstly, the model constitution should reflect the broader objectives and principles that underpin marine policy-making in Scotland and the wider UK. The Marine (Scotland) Act 2010 introduced an overarching obligation on public authorities involved in marine governance to act in such a way to further sustainable development of the Scottish marine area.⁵ As a body that is designed to feed into governmental processes, it is appropriate that RIFGs are also placed under such an obligation and this recommendation is therefore included in clause 2.2 of the model constitution. In relation to fishing, a more specific set of objectives are contained in the UK Fisheries Bill and SIFT believes that RIFGs should be required to act within this overarching policy framework for UK fisheries policy. Therefore, it is recommended that the model constitution incorporates a reference in clause 2.2 to the fisheries objectives listed in the Fisheries Bill, namely the sustainability objective, the precautionary objective, the ecosystems objective, the scientific evidence objective, the discards objective, and the equal access objective.⁶

⁵ Marine (Scotland) Act 2010, s. 3.

⁶ See the Fisheries Bill, clause 1.

It is important that these overarching objectives are actually acted upon in the decision-making process. To this end, SIFT recommends the inclusion of a Sustainable Development Impact Protocol, contained in Annexe 2 of the model constitution. This recommendation builds upon the practice of the North Sea Regional Advisory Council, which operates according to an Environmental Impact Protocol in order to ensure that certain issues are reflected in the decision-making process, without dictating any particular outcome. The proposed Sustainable Development Protocol requires that particular environmental, economic and social implications of a decision are reflected in the decision-making process. The application of this Protocol is without prejudice to any statutory procedures that may apply to RIFG decision-making, such as the carrying out of an environmental assessment under the Environmental Assessment (Scotland) Act 2005 or an appropriate assessment under the Conservation (Natural Habitats, &c.) Regulations 1994.

Finally, it is recommended that the model constitution addresses the relationship between RIFGs and the wider marine planning process established under the Marine (Scotland) Act 2010. It is clear that the successful development of regional marine plans will require close and meaningful collaboration between RIFGs and any Marine Planning Partnerships (MPPs) that are established to develop regional marine plans.⁷ The National Marine Plan addresses this relationship by simply saying that RIFGs' management plans should 'inform and reflect the regional plan.'⁸ In practice, as the authority with delegated statutory powers, the MPP should arguably have the final say on how fisheries are addressed in regional marine plans. At the same time, MPPs should consult closely with RIFGs before preparing their plan, as RIFGs are able to reflect a broader range of fisheries interests than may be represented on the MPP itself. SIFT is of the view that it is appropriate to reflect this object within the constitution of RIFGs and it has proposed the insertion of a new object in clause 2.1 of the model constitution. Ideally, further guidance should be prepared by the Scottish Ministers to confirm the precise expectations of how MPPs should interact with RIFGs in the development of the regional marine planning process and the type of information that should be provided by RIFGs.

⁷ Currently, only two MPPs have been established for the Clyde and Shetland.

⁸ National Marine Plan (2015) para. 2.10.



b) Structure and Membership

RIFGs are intended to channel the opinions of the fishing industry with a view to providing advice to the Scottish Ministers on inshore fisheries management. The inshore fishing industry is itself diverse and therefore RIFGs must be structured in such a way as to allow a wide range of actors to participate in the process in an equitable and inclusive manner.

It was initially anticipated that IFGs would operate according to a two-tier structure, whereby fishing associations and individual fishers would be allowed to participate in the General Meeting of the IFG, but key decisions would be taken by an Executive Committee composed of a smaller number of representatives of the local fishing industry. This two-tier structure has been abandoned by most RIFGs, which has led to meetings often involving a large number of individuals. In some cases, multiple representatives of a single association have been attending RIFG meetings, which potentially undermines the fairness and representativeness of the discussions. SIFT has previously expressed concern about the lack of transparency and accountability in current RIFG practices, particularly in light of the dominance of the process by a number of well-resourced, often national fishermen's organizations. With this in mind, SIFT recommends a return to the two-tier model of fisheries governance, with the establishment of an Executive Committee tasked with carrying out the objects of the RIFG and reporting to the general membership at a General Meeting. At the same time, this model should be adapted by tailoring the membership of the Executive Committee in order to ensure representation of an appropriate range of stakeholders.

SIFT believes that the membership of the Executive Committee should be configured in order to ensure that various interests are fairly and equitably represented. This requires a move away from the position in the original model constitution whereby a Fishermen's Association automatically gained a seat on the Executive Committee, once it had 10 or more members. Rather, the Executive Committee should be designed to reflect a balance between the different interest groups within the particular RIFG area. Undoubtedly, this is a highly complex and contentious issue. Arguably, there is not a one-size-fits-all solution and the precise composition of the Executive Committee may depend on the characteristics of a region. However, the recommendation contained in clause 5.2 of the model constitution proposes five key constituencies which should be represented on the Executive Committee, in

order to ensure that different views are equitably represented. A key rationale for this proposal is to ensure a balance between representatives of the static fleet and the mobile fleet, as well as ensuring that other fishing sectors (such as diving or hand-gathering) have a voice in discussions. The other major innovation in the proposal is the inclusion of a representative of other interest groups on the Executive Committee. One of SIFT's greatest concerns about current practice of RIFGs is that they are operating in such a way that almost completely excludes non-fishing interests from the deliberative process. Such practice is not only at odds with best practices on fisheries governance from around the world⁹, but it is also at odds with the original aspirations for IFGs. The early policy documentation relating to the establishment of IFGs expressly acknowledged that it was 'essential ... that other stakeholders have an opportunity to be involved in this process [including] processors, environmental interests, community members and other marine users.'¹⁰ The original model constitution prepared by the Scottish Government suggested that one Environmental NGO should sit on an IFG Advisory Group. However, not only have RIFGs abandoned this practice, but SIFT does not believe that such arrangements reflect the valuable role that such groups can play in supporting the development of inshore fisheries policy. It also ignores other important stakeholders, such as coastal community groups. SIFT therefore advocates that other interest groups should have the ability to join RIFGs as full members and they should have representation on the Executive Committee. This recommendation is fully in line with developments in other jurisdictions. For example, Inshore Fishery and Conservation Authorities in England have members who are appointed due to their 'knowledge of, or expertise in, marine environmental matters' alongside members 'acquainted with the needs and opinions of the fishing community of the district.'¹¹ Similarly, the Regional Advisory Councils established under EU Law are required to have representatives from other interest groups affected by the Common Fisheries Policy.¹² All of this evidence points towards the inclusion of other interest groups as full members of RIFGs. It does not follow, however, that such interest groups should have equal participation as representatives of the fishing industry. Thus, the recommendation in clause 5.2 of the model constitution ensures that the voices of fishing communities are given more

⁹ There is also a growing body of academic literature that recognises the benefits of incorporating a wide range of marine stakeholders into the institutional framework for the development of fisheries policy. See e.g. contributions in T Gray (ed.), *Participation in Fisheries Governance* (Springer 2005).

¹⁰ Scottish Government, *A Strategic Framework for Inshore Fisheries in Scotland* (2005) para. 40.

¹¹ Marine and Coastal Access Act 2009, s. 151(2).

¹² Regulation (EU) No 1380 of 11 December 2013 on the Common Fisheries Policy, Annex III, para. 2(a).

weight in the decision-making process by granting a larger number of seats on the Executive Committee to these groups. These proposals should also be read in light of the recommendations on decision-making, discussed below, which are designed to ensure that all views are fairly represented during discussions.

Members of the Executive Committee would be elected by the Annual General Meeting, based upon the constituency that they represent (see clauses 4, 5.3-5.6 and 12) and elections are designed to ensure a degree of accountability of the Executive Committee in the exercise of its powers.

RIFGs can also benefit from the expertise of governmental agencies with an interest in the management of inshore fisheries. Whilst the original model constitution drafted by the Scottish Government foresaw the establishment of a separate Advisory Group, the practice of many IFGs in the early days of their operation was to simply invite Advisory Group members to meetings of the Executive Committee as (active) observers. The proposed revision in clause 11 of the attached model constitution reflects this practice and it ensures that representatives of governmental agencies can continue to actively participate in RIFG discussions.

c) Decision-making

Whilst RIFGs are advisory organs, the strict requirement for consensus contained in the original model constitution drafted by the Scottish Government potentially gives a veto to a single member of the Executive Committee to block any recommendation from the body. This could undermine the ability of the RIFGs to contribute constructively to the development of inshore fisheries policy. SIFT therefore proposes that the decision-making procedure should allow the Executive Committee to take a vote on recommendations, when attempts at reaching consensus have been exhausted. The proposal also ensures that any dissenting opinions are expressly noted and forwarded to the Scottish Government with the agreed recommendation. This recommendation – contained in clauses 7.12 to 7.15 of the model constitution – draws upon the practice of other analogous bodies, such as the North Sea Regional Advisory Council.¹³ A quorum is necessary to ensure that an appropriate number of Members are present at Executive Committee meetings before a vote can be taken and SIFT recommends a

¹³ See Rules of Procedure for the North Sea Advisory Council, para. 31.



quorum of 50% of the membership (see clause 7.11). SIFT also recommends the introduction of a clause requiring individual members of the RIFG to act in the best interests of the RIFG (see clause 4.4). Such a clause was originally included in the guidance appended to the IFG model constitution prepared by the Scottish Government, but SIFT believes that it is appropriate to include it within the constitution itself, in order to underline that the RIFG is managing a public resource.

Finally, the model constitution also makes provision for the establishment of sub-committees or working groups on a thematic or geographical basis. Such mechanisms are widely used in practice by RIFGs and SIFT considers that such institutional practices should be formally recognised, whilst also ensuring that sub-committees and working groups are subject to minimum standards of transparency and accountability. Sub-committees or working groups may include other Members of the RIFG beyond Executive Committee Members, but it is also necessary that consideration is given to ensuring an equitable balance of interests. The recommendations do not propose specific requirements in this respect, but the attached model constitution introduces safeguards on the operation of sub-committee and working groups in clause 13 of the model constitution, which provides that the Executive Committee shall be responsible for determining the composition of a sub-committee or working group and any recommendations agreed upon by a sub-committee or working group shall be submitted to the Executive Committee for consideration and approval.

d) Transparency

Transparency is a key element of good governance and given that fisheries are a public resource, SIFT believes that it is appropriate that RIFGs operate in a transparent manner. This is reflected in a number of ways in the proposed model constitution. Firstly, it is appropriate that the membership of RIFGs is made publicly available. Secondly, interested members of the public should have the ability to attend RIFG meetings if they wish. This is in line with the principle of transparency and it also accords with practice in other analogous organizations, e.g. the North Sea Regional Advisory Council. Thirdly, SIFT believes that it is appropriate to include the requirement to produce and publish minutes in the model constitution. This obligation should apply to the Annual General Meeting, the Executive Committee, and any sub-committee or working group.

e) Management Plans

A key output of each RIFG is a regional fishery management plan, detailing the agreed actions which the RIFG will seek to achieve. This document should describe the activities, operational areas and economic significance of local fisheries. However, the research carried out by SIFT has indicated that the content and quality of the fisheries management plans varies significantly from region to region.¹⁴ In this respect, there has been significant criticism of the scope and substance of the RIFG plans, which in many respects do not adequately translate high-level fisheries policies and principles into detailed frameworks for decision and action in relation to a particular fishery. SIFT also shares wider concerns that little has been done by the RIFGs in the development of their fishery management plans to remedy the defects that were highlighted in their predecessor's plans, including the lack of measures to reduce damage to the seabed, its biodiversity and historic environmental interests.¹⁵ It follows that RIFGs must be required to follow key principles in the adoption of fisheries management plans and it is appropriate to reflect this obligation in the constitutional objects of the RIFG. To this end, SIFT recommends a small but significant amendment to clause 2.1.1 of the model constitution prepared by the Scottish Government, which would require RIFGs to prepare, deliver, maintain and review management plans, in accordance with guidance prepared by the Scottish Ministers. Such guidance should demand a rigorous planning process, which would ensure a higher quality outcome.

¹⁴ See discussion in Sustainable Inshore Fisheries Trust, *Regional Inshore Fishery Groups - Policy, Practice and Problems: Position Paper* (June 2018) section 4.

¹⁵ Marine Scotland, *Management Proposals of Inshore Fisheries Groups: Strategic Environmental Assessment Environmental Report* (August 2013) para. 27.

3. Model Constitution

There follows a revised model constitution which incorporates the above-mentioned recommendations. Key changes are highlighted in bold and underlined.

1. NAME

- 1.1. The name of the Group shall be the **Regional Inshore Fishery Group** ("the RIFG").

2. OBJECTS

- 2.1. The RIFG will have the following objects: --

- 2.1.1. to prepare, deliver, maintain and review management plans, **in accordance with guidance prepared by the Scottish Ministers**, for the sustainable exploitation, management and regulation of sea fisheries within the RIFG area, which is defined in the Schedule hereto and which hereinafter is called "the Area";

- 2.1.2. to initiate and develop proposals which will serve in the implementation of the Management Plan and;

- 2.1.3. to assist Scottish Ministers in their task of creating a Scottish sea fishing industry that is sustainable and profitable and supports strong local communities, managed effectively as an integral part of coherent policies for the marine environment.

- 2.1.4. **to contribute to the development of relevant regional marine plans by participating in or cooperating with the relevant marine planning partnership or other body responsible for delivering a regional marine plan related to the Area;**

- 2.2. **In carrying out all of its objects, the RIFG must act to further the achievement of sustainable development, taking into account the fisheries objectives as contained in the UK Fisheries Bill, namely the**

sustainability objective, the precautionary objective, the scientific evidence objective, the ecosystems objective, the discards objective and the equal access objective. To this end, the RIFG shall follow the Sustainable Development Impact Protocol included in Schedule 2 as part of its decision-making process.

3. POWERS

3.1. In furtherance of the objects, the RIFG may:-

- 3.1.1. employ or retain and pay any person or persons to supervise, organise and carry on the work of the RIFG;
- 3.1.2. engage and pay fees to professional and technical advisers/consultants to advise or assist in the work of the RIFG;
- 3.1.3. bring together in conference and work in liaison with representatives of voluntary associations or organisations, government departments, local and other statutory authorities and individuals;
- 3.1.4. take out membership of such associations or organisations as are considered to be in the interests of and compatible with the objects of the RIFG;
- 3.1.5. promote and carry out or assist in promoting and carrying out research, surveys and investigations and, where considered appropriate, publish the results;
- 3.1.6. arrange and provide for or join in arranging and providing for the holding of exhibitions, meetings, lectures, classes, seminars and training courses;
- 3.1.7. subject to such consents as may be required by law, borrow or raise money, apply for and receive grants and accept gifts on such terms and on such security as shall be deemed to be necessary for the attainment of the objects;



3.1.8. invest the money of the RIFG not immediately required for the attainment of the objects in or upon such investments, securities or property is maybe thought fit, subject nonetheless to such conditions (if any) as may for the time being be imposed on required by law; and,

3.1.9. do all such other lawful things as are necessary for the attainment of the objects.

4. MEMBERSHIP

4.1. Membership of the RIFG shall be open to:

4.1.1. Fishermen's Associations, as the term is commonly understood in Scotland, having in its membership the owners of 10 or more Scottish or UK Fishing vessels registered under the terms of the Merchant Shipping Act 1995 and holding a licence granted by the Scottish or UK Ministers and any one of which vessels fishes commercially in the Area ("Association member").

4.1.2. Owners, skippers and crew of a Scottish or UK fishing vessel registered under the terms of the Merchant Shipping Act 1995 and holding a licence granted by the Scottish or UK Ministers and which fishes commercially in the Area, but which vessel is not contained within the membership list of a Fishermen's Association in membership of the RIFG ("Individual member").

4.1.3. Other persons or combination of persons representing a legitimate commercial fishing interest operating in the Area who, or which, are not eligible in terms of subclauses 4.1.1 and 4.1.2, having regard to guidance from the Scottish Government.

4.1.4. Organizations representing other interest groups (including community groups, aquaculture producers, consumers, environmental organizations, and recreational fishers) affected by inshore fisheries policy, having regard to guidance from the Scottish Government.

- 4.2. Applications for membership shall be lodged with the Secretary or with Marine Scotland.
- 4.3. The Secretary shall have the right to demand of any applicant for membership such evidence as shall seem appropriate to the Secretary to prove eligibility. The decision of the Secretary, in the event of a refusal, may be appealed to the Scottish Government.
- 4.4. **In applying for membership, all persons and organizations agree to behave in the best interest of the RIFG to further the objects laid down in the Constitution.**
- 4.5. **The Secretary shall keep a register of the RIFG Members and shall so far as practicable keep the same up to date and make it publicly available. The register shall indicate which category a person falls into for the purposes of electing members of the Executive Committee under clause 5.**
- 4.6. The Secretary is required, formally, to review the eligibility of all members on an annual basis and in doing so may require from any member such evidence as shall satisfy the Secretary that a right to membership still exists. On completion of his/her review the Secretary may terminate the membership of any member who or which fails to meet a criterion of membership. A decision of the Secretary to terminate membership may be appealed to the Scottish Government.
- 4.7. The admission to, or the continuation in, membership of the RIFG may be objected to by any other member provided that the objection is restricted to a complaint that any one or more of the criteria for admission to membership was not, or is not being, met.
- 4.8. The objection shall be made in writing to the Secretary, who shall so soon as practicable institute the procedure set out in sub-clause 4.6 hereof.
- 4.9. The membership of such persons or combination of persons as shall have been granted in terms of clause 4.1.3 or 4.1.4 hereof, may be terminated, if the Executive Committee so decides, acting reasonably and in accordance with guidance from the Scottish Government.

5. EXECUTIVE COMMITTEE

5.1. The IFG shall have an Executive Committee (“the Committee”).

5.2. The membership of the Executive Committee shall comprise : --

5.2.1. Three representatives elected by association members or individual members representing vessels registered within the Area and belonging to the static gear sector, as this term is commonly understood in relation to inshore fishing in Scotland;

5.2.2. Three representatives elected by association members or individual members representing vessels registered within the Area and belonging to the mobile gear sector, as this term is commonly understood in relation to inshore fishing in Scotland;

5.2.3. A representative elected to represent association members and individual members representing other forms of fishing not included in clauses 5.2.1 and 5.2.2, such as diving, hand-gathering or similar methods;

5.2.4. A representative elected to represent persons or a combination of persons, who are members of the RIFG under clause 4.1.3;

5.2.5. Two representatives elected to represent other interest groups, who are members of the RIFG under clause 4.1.4;

5.3. Representatives shall be selected following an election. Only those individuals or organizations falling within the relevant category of members, as reflected on the register of members, will be eligible to vote for a representative of that category of members. The election shall be amongst those members who have been nominated by least 2 other members belonging to the same category.

5.4. Voting for representatives shall be conducted in accordance with clauses 12.6 to 12.9.

5.5. Elections shall be carried out by secret ballot overseen by the Secretary. Any allegation of unfairness shall be reported to the Scottish Government who shall investigate and who may order a fresh election where there is evidence that the original election was not fair.



5.6. The term of appointment of representatives shall be three years.

5.7. A Member of the Committee shall cease to be a Member of the Committee if he/she or the member he/she represents ceases to satisfy the eligibility criterion for RIFG membership, or he/she being the representative of a member loses the nomination of that member.

5.8. Any vacancy in the Committee shall be filled so soon as reasonably practicable, in accordance with the procedures set out herein but in the interim the Committee is empowered to fill the vacancy by co-option.

6. EXECUTIVE COMMITTEE POWERS

6.1. The Committee is vested with full powers to conduct the affairs of the RIFG and to carry out its objects. The Committee shall control the funds of the RIFG, be responsible for engaging and dismissing its employees or consultants and for securing the observance of this Constitution.

7. MEETINGS OF THE EXECUTIVE COMMITTEE

Notice of Meetings

7.1. Meetings of the Committee shall be held as the Committee shall agree or as the Chair shall direct.

7.2. Notwithstanding the terms of clause 7.1 no less than one half of the Executive Committee may also, by written notice served on the Chair, require that a meeting of the Committee be convened

7.3. Unless all the members of the Committee agree otherwise, no less than 14 days written notice shall be given of any meeting of the Committee.

7.4. The calling notice shall specify the time and place of the meeting and, subject to the terms of clause 7.10 hereof, the agenda shall specify the general nature of the matters to be discussed.



- 7.5. The non-receipt of notice of a meeting by any person entitled to receive notice shall not invalidate the proceedings of that meeting.

Proxies and General

- 7.6. Any Member of the Committee shall be entitled to grant any other member of the Committee or another appropriate individual a proxy entitling that other member to attend a meeting of the Committee on his/her behalf. The holder of the proxy is required to deposit the proxy with the Secretary of the meeting prior to the commencement of business and the Chair shall be bound to intimate granting of the proxy at the commencement of business. **Alternatively, a Member may be permitted to participate in a meeting by teleconference or other form of remote connection.**
- 7.7. The Chair shall have the power upon his/her own motion or at the request of any member of the Committee to admit any other person to attend and speak at a meeting of the Committee, if in the opinion of the Chair that person can contribute to the discussions of the Committee.
- 7.8. Meetings of the Committee shall be open to the public unless otherwise agreed by the Committee. Members of the public are not permitted to speak or otherwise participate in the proceedings.
- 7.9. Members of the Committee shall at all times act with respect and dignity and they shall not unjustifiably discriminate against any other Members, including on the grounds of race, gender, sexual orientation, or disability.
- 7.10. The Committee shall ensure that minutes are made of all proceedings, including a record of all members present, the items discussed and any decisions adopted by the Committee. Minutes shall be signed by the Chair as an accurate record and they shall be made publicly available as soon as possible after the meeting. If any member wishes to challenge the accuracy of the minutes, the issue shall be raised at the following Committee meeting.

Quorum

7.11. The quorum for a meeting of the Committee shall be 50% of its membership.

Decision Making

7.12. Matters on which a decision of the Committee is required must be clearly indicated on the agenda with the reasons for the proposal being set out clearly.

7.13. The Committee shall strive to reach agreement by consensus on any matter before it.

7.14. Where an agreement by consensus cannot readily be reached, the Chair, supported by the Secretary, will endeavour to resolve the matter.

7.15. In the event that the procedure in clause 7.14 does not result in agreement being reached, a recommendation shall be adopted by a majority of members present and voting. Each Member of the Committee has one vote. Any member of the Committee voting against a proposal shall be permitted to record their dissenting views in the minutes of the decision. The recommendation, together with any dissenting views, shall be forwarded to the Scottish Government.

8. EXECUTIVE COMMITTEE CHAIR AND DEPUTY CHAIR

Chair

8.1. The Committee shall, as soon as convenient following the constitution of the RIFG and as is appropriate thereafter, appoint a Chair to hold office for three years.

8.2. The Chair shall be a person who appears to have no such financial or commercial interests as are likely to affect him or her in the

discharge of his or her function as a chairman independent of the sea fish industry.

8.3. The Chair shall be appointed by the Committee, after proper public advertisement, and interview, upon such terms and conditions, including emolument, as shall be determined, from time to time by the Committee, following guidance from the Scottish Government.

8.4. The Chair is required to declare any interest in the matters being discussed at the meetings of the Committee.

8.5. The Chair is ex officio a member of the Executive Committee, the General Meeting, and any sub-committee or working group established by the RIFG, but the Chair does not have a vote.

8.6. In the event of the Chair's resignation, or for any other reason causing him or her to become unable to perform the duties of chair, the Committee shall have power to require the resignation of the Chair and shall thereafter appoint a substitute in accordance with the procedure set out in clause 8.3 hereof.

Deputy Chair

8.7. The Committee shall elect, annually, from amongst their number, a Deputy Chair. No person may hold the office of Deputy Chair for more than two consecutive years.

8.8. In the event of the Deputy Chair resigning or ceasing to be a member of the Committee, the Committee shall have power to elect a replacement to serve for the remainder of the term, this period of office not counting for the purpose of the requirement in the clause 8.7.

9. FINANCE

9.1. The Committee shall appoint a Treasurer to keep proper accounts of the finances of the RIFG.

9.2. All monies raised by or on behalf of the RIFG shall be applied to further the objects of the RIFG and for no other purpose, including



payment of reasonable and proper remuneration to any employee of the RIFG and fees to professional and technical advisers.

- 9.3. The accounts shall be independently approved at least once per year by the reporting accountants to the RIFG.
- 9.4. An account or accounts shall be opened in the name of the RIFG with a reputable financial institution, having its head office in the United Kingdom, as the Committee shall from time to time decide. The Committee shall authorise in writing such person or persons as it shall decide, to sign financial instruments on behalf of the RIFG
- 9.5. The Committee shall have the power to authorise the payment of such sum as it considers appropriate, from time to time, to the Chairman in reimbursement of incidental expenses, including posts and telephones, incurred by him on the business of the RIFG.
- 9.6. Reasonable expenses properly incurred by members of the RIFG, or members of its Committee, or by any other person, in representing the RIFG shall be reimbursed. The General Meeting shall fix the rate of reimbursement, including a daily allowance fee for non-vouched expenses. The Committee shall have the power between General Meetings, in an emergency, to authorise additional payments.

10. RIFG SECRETARY

- 10.1. The RIFG shall have a Secretary who shall be responsible for assisting the RIFG in the conduct of its business.
- 10.2. The Secretary may also support the Treasurer of the RIFG in carrying out his/her responsibilities.

11. OBSERVERS

11.1. Representatives of the following bodies shall be entitled to attend meetings of the AGM, the Committee, and any sub-committee or working group as an observer:

11.1.1. Marine Scotland;

- 11.1.2. **Scottish Natural Heritage;**
- 11.1.3. **Scottish Environment Protection Agency;**
- 11.1.4. **Local Authorities with coastline in the Area;**
- 11.1.5. **The relevant Enterprise Network;**
- 11.1.6. **Seafish;**
- 11.1.7. **Seafood-Scotland;**
- 11.1.8. **Other RIFGs; and**
- 11.1.9. **Any other appropriate body with an interest in inshore fishing or the protection of the marine environment authorised by the Committee to attend meetings of the Committee as an observer.**

11.2. The calling notice and the agenda of the relevant meeting shall be served upon the observers listed in paragraph 11.1. Observers may attend such meetings and they shall be permitted to speak and participate fully in discussions. For the avoidance of doubt, the attendance of any observer at a meeting of the Committee shall not be counted towards the quorum of the meeting and observers do not have a right to vote.

12. GENERAL MEETINGS

12.1. An Annual General Meeting (“AGM”) of the RIFG shall be held no later than three months after the end of its financial year at such place as the Committee shall determine. The Secretary shall give at least 21 days’ notice of the meeting in such manner as the Committee shall prescribe, but subject to the requirements of sub-clause 12.3 hereof. At such AGM the business shall include the consideration of the annual report of the work done by under the auspices of the Committee, including, specifically, a report of the implementation of the management plan, the approval of the independently verified accounts for the preceding year and the transaction of such other matters as may from time to time be necessary.

12.2. The non-receipt of notice of a meeting by, any person entitled to receive notice shall not invalidate the proceedings at that meeting.

12.3. Notice of the AGM shall not only be given to members of the RIFG and so far as is possible to the public at large. The Committee shall



endeavour to hold the AGM, in succeeding years in different locations adjacent to the Area and shall following the conclusion of the formal business arrange for a presentation, which will be of interest to the wider public, of its work or any subject concerned with its objects.

12.4. The Chair, with or without the consent of the Committee may, or at the request of the Committee shall, call an extraordinary general meeting of the RIFG. The Chair must call an extraordinary general meeting of the RIFG if the Chair receives a request for such a meeting supported by the majority of RIFG members. The Secretary shall give at least 21 days clear notice of the meeting setting out in sufficient detail the business of the meeting.

12.5. The Secretary shall ensure that minutes are made of all general meetings, including a record of all members present, the items discussed and any decisions adopted by the general meeting. Minutes shall be signed by the Chair as an accurate record and they shall be made publicly available as soon as possible after the meeting. If any member wishes to challenge the accuracy of the minutes, the issue shall be raised at the following general meeting.

Voting and Proxies

12.6. Only Members of the RIFG shall be entitled to vote at General Meetings. In the case of association members, voting shall be on the basis of one vote per vessel, which habitually fishes commercially in the Area. In the case of persons admitted to membership under clauses 4.1.2 to 4.1.4, there shall be one vote per individual member or organization, as the case may be.

12.7. For the avoidance of doubt, an authorised representative of a Fishermen's Association may cast the total number of votes which otherwise the qualifying members of that Association, not present or represented at the meeting, could cast individually.

12.8. Prior to the commencement of business those intending to vote shall submit to the Secretary their case for entitlement to vote and, where appropriate, the number of votes which they intend to cast.



12.9. The Secretary shall inform the meeting of the applications received. The Chair shall consider objections made and answers thereto. The Chair's decision as to eligibility shall be final.

12.10. A member entitled to attend and vote at a General Meeting is entitled to appoint a Proxy to attend and vote instead of him or her. A proxy need not be a member of the RIFG. On request, the Secretary shall be bound to provide to any applicant a Form of Proxy.

12.11. To be effective, the instrument appointing a Proxy, and any Power of Attorney or other authority under which it is executed (or duly certified copy of any such power or authority) must be deposited with the Secretary not less than 48 hours before the time for holding the General Meeting or at any adjournment thereof.

13.SUB-COMMITTEES AND WORKING GROUPS

13.1 The Committee may establish sub-committees or working groups, on a timebound or permanent basis, consisting of one or more Committee Members and other members of the RIFG as the Committee may determine.

13.2 Any recommendations agreed upon by a sub-committee or working group shall be submitted to the Committee for consideration and approval.

13.3 The rules of procedure for sub-committees and working groups shall be determined by the Committee. The rules of procedure shall include a requirement to give adequate notice and to produce and publish minutes of meetings.

14.ALTERATIONS TO THE CONSTITUTION

14.1. The Constitution may only be amended at a General Meeting of the RIFG called for that purpose.

14.2. The proposal must be considered by the Committee prior to being considered by the General Meeting. The Committee shall make a recommendation on the proposal in accordance with the procedure outlined in paragraphs 7.12 to 7.15.



14.3. A proposal to amend the Constitution shall be carried if 75% of the votes cast are cast in favour of the proposal.

14.4. An amendment to the Constitution shall only enter into effect once it has been ratified by the Scottish Ministers.

15. DISSOLUTION

15.1. If the Committee decides, at any time, that on the grounds of expense or otherwise it is necessary or advisable to dissolve the RIFG, it shall call a general meeting of the RIFG, of which meeting not less than 60 days' notice (stating the terms of the resolution to be proposed thereat) shall be given.

15.2. The said notice shall also be served, for information, upon the Scottish Ministers.

15.3. In the event that the notice is not withdrawn and if the decision is approved by 75% of the votes cast at such general meeting, the Committee shall have the power, under the direction of the Scottish Ministers, to dispose of any assets held by or on behalf of the RIFG and thereafter to dissolve the RIFG.



ANNEXE 1

Definition of the Area

ANNEXE 2

Sustainable Development Impact Protocol

The Sustainable Development Impact Protocol requires the Executive Committee and any sub-committee or working group to consider three key issues as part of the process of deliberation over policy proposals and advice, before making recommendations to the Scottish Ministers. The Protocol does not dictate any particular outcome, but it does require active consideration of the identified issues, which should be reflected in the minutes of the relevant meeting.

1. What positive implications does the policy proposal/advice have for the marine environment (including target and non-target species, habitats, and ecosystems), any sector of the fisheries industry, or for associated coastal communities?
2. What negative implications does the policy proposal/advice have for the marine environment (including target and non-target species, habitats, and ecosystems), any sector of the fisheries industry, or for associated coastal communities?
3. Is the balance between these positive and negative implications acceptable, significant or marginal? How can they best be managed or mitigated?