**Guidance on claim for compensation for damage or loss of fishing gear, loss of fishing time, or damage to vessel by suspected offshore renewable activity.**

Marine Scotland has produced this guidance and the associated claim forms (Compensation Claim form, version 2, Dec 2021) to assist both developers and skippers/vessel owners in reaching a resolution, but has no role or responsibility in arbitrating claims.

Accidental damage may be caused by vessels or infrastructure connected to renewable developments in a number of ways :

**Damage to fishing vessel** may be caused by direct collision between vessels or through coming fast on obstacles which damages structural integrity or engines.

**Damage to fishing gear both static and mobile may** occur through interaction with vessels connected to renewables developments, with equipment or infrastructure deposited either deliberately or by accident (dropped objects).

In the latest revision separate claim forms have been produced for mobile gear and for static gear. The static gear has space for several fleets of gear and a crucial question for each fleet is **“When was Fleet last lifted”** as this helps establish the window when gear may have been damaged and allows investigation into who may have caused the damage.

The likely success of a claim will be dependent on the level of evidence both relating to the incident and to the associated costs that can be produced by the skipper/ vessel owner .

It should be noted that local Fishery Industry Representatives (FIRS) may be able to help with submission of claims see CFWG ( [CFWG Website)](https://marine.gov.scot/cfwg-view)

**Arbitration**

Developers may employ an arbitration service to help resolve claims.

**Compensation Claim form**

**Completion by the Skipper Section 1**

**Skipper should complete relevant sections where information is available.**

Section 1.1 details of Skipper’s vessel including name and registration of vessel. Note crew number is requested, they may be required to provide additional statements, personal details should not be required initially. Gathering of crew information should follow GDPR guidelines and should only be done if witness statements are required

Section 1.2Incident Information: dependent on what type of gear being used complete sections on mobile or static gear. Accurate information on location of incident is crucial in identifying potential parties who may have been responsible for losses**.**

Section 1.3 Details of implicated party if available – was a vessel seen in the area or is there AIS information available.

Section 1.4 Supporting evidence of other vessels in the area- will require a witness statement from other vessel.

Section 1.5 Full details of vessel damage or gear damaged- includes costs for repairs, replacement gear, lost catch, lost fishing time.

Section 1.6 Full details of Lost gear - includes costs for repairs, replacement gear, lost catch, lost fishing time.

Section 1.7 Details of insurance held for the vessel

Documentation – a complete list of evidence provided and copies of such things as fishing licence, MCA safety certificate, gear receipts. Evidence of loss of earnings.

Declaration of Skipper -must be signed by skipper.

**Sections 2 and 3 will be completed by the local fishery officer**

Note it is not essential to complete sections 2 and 3 but it may facilitate a claim to do so.

Marine Scotland compliance – local fishery offices

<https://www2.gov.scot/Topics/marine/Compliance/resources/fisheriesoffices>

**Section 2** To be completed by the Fishery Officer- the Fishery Officer **can** comment on evidence produced.

**Section 3** To be completed by the Fishery Officer- Verification of earnings (**if** Fishery Officer has access to information on similar types of vessels and can comment on likely earnings)

Marine Scotland LOT will have reports of dropped objects and can facilitate identifying potential developers to submit claims to.

**mailto:ms.marinerenewables@gov.scot**

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**Section 4** identifying relevant developer to whom claim ( [CFWG Website)](https://marine.gov.scot/cfwg-view)

**Forms available from**

MS CFWG website - ( [CFWG Website)](https://marine.gov.scot/cfwg-view)

MS compliance – local fishery Office [Marine Scotland Fishery Offices](https://www.gov.scot/publications/fishery-offices-information/#:~:text=Fishery%20Offices%20%20%20Aberdeen%20Fishery%20Office%20Room,House%20Q%20...%20%205%20more%20rows%20)

Developers Website

MS Appendix FMMS Guidance document