
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 90

**ENVIRONMENTAL PROTECTION
MARINE MANAGEMENT**

**The Loch Sunart to the Sound of Jura
Marine Conservation Order 2016**

Made - - - - 3rd February 2016
*Laid before the Scottish
Parliament* - - - - 4th February 2016
Coming into force - - 23rd March 2016

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1 and 2A of the Inshore Fishing (Scotland) Act 1984(1), sections 85(1)(a) and (d), (2) and (4), 86(1) and (3) and 92(1) and (5) of the Marine (Scotland) Act 2010(2) and all other powers enabling them to do so.

In accordance with section 85(1)(a) of the Marine (Scotland) Act 2010, this Order is made for the purpose of furthering the stated conservation objectives for the Loch Sunart to the Sound of Jura MPA(3) in so far as the stated conservation objectives relate to common skate(4).

In accordance with section 85(1)(d) of the Marine (Scotland) Act 2010, this Order is made for the purpose of protecting the Firth of Lorn Special Area of Conservation(5) in respect of reefs.

In accordance with section 1(1) of the Inshore Fishing (Scotland) Act 1984, the Scottish Ministers have consulted such bodies as they considered appropriate.

In accordance with section 87(2) of the Marine (Scotland) Act 2010, the Scottish Ministers have sent a copy of a draft of this Order to persons whom they considered were likely to be interested in or affected by the making of this Order.

In accordance with section 87(3) of the Marine (Scotland) Act 2010, the Scottish Ministers have placed a copy of a draft of this Order in such place as they considered was likely to be most

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- (1) 1984 c.26. Section 1 was amended by the Inshore Fishing (Scotland) Act 1994 (c.27), section 1 and by S.I. 1999/1820. Section 2A was inserted by the Environment Act 1995 (c.25), section 103(2). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
- (2) 2010 asp 5.
- (3) The Loch Sunart to the Sound of Jura MPA was designated by the Loch Sunart to the Sound of Jura Nature Conservation Marine Protected Area Order 2014 (“the 2014 Order”). The 2014 Order is available at <http://www.gov.scot/Resource/0045/00456493.pdf>
- (4) The conservation objectives are stated in article 5 of the 2014 Order and the protected features are stated in Schedule 2 to that Order.
- (5) The Firth of Lorn Special Area of Conservation was designated pursuant to regulation 8 of the Conservation (Natural Habitats &c.) Regulations 1994 (S.I. 1994/2716, to which there are amendments not relevant to this Order). Details of the Firth of Lorn Special Area of Conservation can be obtained online at www.snh.org.uk or from SNH area offices.

convenient for the purpose of enabling it to be inspected by persons likely to be affected by the making of this Order.

In accordance with section 87(6) and (7) of the Marine (Scotland) Act 2010, the Scottish Ministers have published notice of their proposal to make this Order.

Citation and commencement

1. This Order may be cited as the Loch Sunart to the Sound of Jura Marine Conservation Order 2016 and comes into force on 23rd March 2016.

Interpretation

2. In this Order—

“boundary line” means a boundary delineated by a line as described in Schedule 1 or 2;

“co-ordinate” means a co-ordinate of latitude and longitude according to the World Geodetic System 1984⁽⁶⁾;

“Firth of Lorn SAC” means that part of the protected area which is designated as a special area of conservation pursuant to regulation 8 of the Conservation (Natural Habitats, &c.) Regulations 1994 and described in Schedule 3;

“Loch Sunart to the Sound of Jura MPA” means that area designated as a nature conservation marine protected area by, and described in article 3 of, the Loch Sunart to the Sound of Jura Nature Conservation Marine Protected Area Order 2014⁽⁷⁾; and

“the protected area” means the area described in article 3.

The protected area

3. For the purposes of this Order, the area protected by it is—

(a) the seabed and subsoil; and

(b) all of the water covering the seabed,

within the area enclosed by the boundary lines described in Schedule 1.

Prohibited and regulated activities

4.—(1) Paragraphs (2), (3) and (4)(b) apply in order to further the stated conservation objectives for the Loch Sunart to the Sound of Jura MPA in relation to common skate and to protect the Firth of Lorn SAC in respect of reefs.

(2) A person must not deploy (by any means) or use any fishing gear within the protected area.

(3) While a fishing vessel is within the protected area the master of the vessel must ensure that any fishing gear carried on board the vessel is properly lashed and stowed in such a way that it may not be readily used.

(6) The World Geodetic System 1984 is defined at paragraph 2.1 of the United States National Imagery and Mapping Agency Technical Report TR8350.2, third edition, amendment 1 of 3rd January 2000 entitled “Department of Defense World Geodetic System 1984” (<http://earth-info.nga.mil/GandG/publications/tr8350.2/wgs84fin.pdf>)

(7) The Loch Sunart to the Sound of Jura Nature Conservation Marine Protected Area Order 2014 (“the 2014 Order”) was made by the Scottish Ministers under powers within the Marine (Scotland) Act 2010, including section 67(1)(a). By virtue of section 165(3) of that Act the 2014 Order is not a Scottish statutory instrument but a Scottish Ministerial Order. The 2014 Order is available at <http://www.gov.scot/Resource/0045/00456493.pdf>

(4) Subject to paragraph (5), paragraphs (2) and (3) do not apply to the deployment or use of—

- (a) any fishing gear within the protected area for the purpose of saving life, or for the purpose of securing the safety of a vessel, aircraft or marine structure; or
- (b) a mechanical dredge, or a demersal trawl (other than a beam trawl) but without the attachment and use of tickler chains, within those parts of the protected area which are described in Schedule 2.

(5) Paragraph (4)(b) has effect with regard to those parts of the protected area which are described in Parts 3 to 6 of Schedule 2 only during the following periods—

- (a) 1st January to 31st March; and
- (b) 1st October to 31st December,

each year.

(6) In this article—

“beam trawl” means a type of demersal trawl which has its mouth extended by a beam, bar or other rigid device;

“creel” means a basket, small cage, pot, receptacle or container with one or more openings or entrances which may be baited and placed on the seabed for the purpose of catching fish or shellfish;

“demersal seine net” means an encircling net, attached to ropes, which is laid on, and towed across, the seabed;

“demersal trawl” means a net which is towed along the seabed;

“dredge” means—

- (a) a mechanical dredge; or
- (b) a suction dredge which raises material, fish and shellfish from the seabed by the use of a solids pump, air lift or water jets which dig into the seabed;

“fishing gear” means any beam trawl, demersal seine net, demersal trawl, dredge, passive gear and any rope or wire associated with the gear;

“groundrope” means a weighted rope or wire which holds the bottom of the net mouth to the seabed;

“parlour creel” means a creel which has at least two compartments, entry to one or more of which is likely to be gained only through an internal connection from another compartment;

“passive gear” means any fishing gear or catch operation which does not require an active movement of the gear, including—

- (a) gillnets, trammel nets and trap nets;
- (b) drifting gillnets, and drifting trammel nets, any of which may be equipped with anchoring, floating or navigational gear; and
- (c) long lines and lines,

but excluding creels and parlour creels; and

“tickler chain” means a chain which is attached across the mouth of a trawl, and positioned in front of the groundrope, for the purpose of disturbing fish from the seabed causing them to rise and be caught by the net.

Authorisation for the purpose of scientific research

5.—(1) The Scottish Ministers may, following written application to them, issue a permit authorising the activity mentioned in paragraph (2) which would, apart from any such permit, be unlawful under this Order.

(2) The activity mentioned in this paragraph is the deployment or use of any fishing gear for the purpose of scientific research.

(3) The Scottish Ministers must not issue a permit unless they are satisfied that there is no significant risk of the activity hindering the achievement of the stated conservation objectives for the Loch Sunart to the Sound of Jura MPA.

(4) In this article, “fishing gear” has the same meaning as in article 4(6).

Disapplication of exception to the offences under sections 94 and 95 of the Marine (Scotland) Act 2010

6.—(1) Paragraph (b) of section 97(1) of the 2010 Act does not apply in relation to—

- (a) an offence under section 94 of the 2010 Act of contravening this Order;
- (b) an offence under section 95 of the 2010 Act in relation to the protected area.

(2) In this article “the 2010 Act” means the Marine (Scotland) Act 2010.

Revocation

7. The Inshore Fishing (Prohibited Methods of Fishing) (Firth of Lorn) (No. 2) Order 2007(8) is revoked.

St Andrew’s House,
Edinburgh
3rd February 2016

RICHARD LOCHHEAD
A member of the Scottish Government

SCHEDULE 1

Articles 2 and 3

THE PROTECTED AREA

For the purposes of articles 2 and 3 the protected area described in this Schedule is enclosed by the boundary lines which are described below, in each case by reference to the co-ordinates of the points joined by a line and a topographical description of the line—

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographic description of boundary line</i>
1	A to B	Mean low water spring tide
2	B to C	Geodesic line
3	C to D	Mean low water spring tide
4	D to E	Geodesic line
5	E to F	Mean low water spring tide
6	F to G	Geodesic line
7	G to H	Mean low water spring tide
8	H to I	Geodesic line
9	I to J	Mean low water spring tide
10	J to K	Geodesic line
11	K to L	Mean low water spring tide
12	L to M	Geodesic line
13	M to N	Mean low water spring tide
14	N to O	Geodesic line
15	O to P	Mean low water spring tide
16	P to Q	Geodesic line
17	Q to R	Mean low water spring tide
18	R to S	Geodesic line
19	S to T	Mean low water spring tide
20	T to U	Geodesic line
21	U to V	Mean low water spring tide
22	V to W	Geodesic line
23	W to X	Mean low water spring tide
24	X to Y	Geodesic line
25	Y to Z	Geodesic line
26	Z to AA	Geodesic line
27	AA to AB	Geodesic line
28	AB to AC	Geodesic line

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographic description of boundary line</i>
29	AC to AD	Mean low water spring tide
30	AD to AE	Geodesic line
31	AE to AF	Mean low water spring tide
32	AF to AG	Geodesic line
33	AG to AH	Mean low water spring tide
34	AH to AI	Geodesic line
35	AI to AJ	Mean low water spring tide
36	AJ to AK	Geodesic line
37	AK to AL	Mean low water spring tide
38	AL to AM	Geodesic line
39	AM to AN	Mean low water spring tide
40	AN to A	Geodesic line

Where—

- “A” is 56°42.650’N, 006°13.564’W;
- “B” is 56°40.798’N, 006°01.803’W;
- “C” is 56°39.030’N, 006°00.165’W;
- “D” is 56°32.058’N, 005°46.534’W;
- “E” is 56°32.009’N, 005°46.330’W;
- “F” is 56°31.499’N, 005°35.962’W;
- “G” is 56°29.976’N, 005°34.161’W;
- “H” is 56°31.970’N, 005°27.809’W;
- “I” is 56°31.223’N, 005°26.208’W;
- “J” is 56°28.815’N, 005°28.524’W;
- “K” is 56°26.245’N, 005°28.945’W;
- “L” is 56°25.380’N, 005°29.072’W;
- “M” is 56°25.317’N, 005°29.280’W;
- “N” is 56°24.890’N, 005°29.798’W;
- “O” is 56°24.554’N, 005°29.303’W;
- “P” is 56°21.244’N, 005°32.148’W;
- “Q” is 56°21.046’N, 005°32.302’W;
- “R” is 56°07.806’N, 005°36.320’W;
- “S” is 56°06.777’N, 005°34.108’W;
- “T” is 56°06.591’N, 005°34.018’W;
- “U” is 56°05.556’N, 005°34.961’W;
- “V” is 55°59.132’N, 005°41.294’W;
- “W” is 56°00.818’N, 005°46.929’W;

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“X” is 56°06.815’N, 005°47.699’W;
 “Y” is 56°09.635’N, 005°47.702’W;
 “Z” is 56°10.258’N, 005°51.915’W;
 “AA” is 56°12.583’N, 005°55.945’W;
 “AB” is 56°16.220’N, 005°49.392’W;
 “AC” is 56°18.749’N, 005°49.789’W;
 “AD” is 56°22.736’N, 005°41.379’W;
 “AE” is 56°23.009’N, 005°40.806’W;
 “AF” is 56°25.025’N, 005°39.148’W;
 “AG” is 56°25.467’N, 005°39.069’W;
 “AH” is 56°36.604’N, 006°01.898’W;
 “AI” is 56°36.651’N, 006°01.797’W;
 “AJ” is 56°36.678’N, 006°01.765’W;
 “AK” is 56°36.743’N, 006°01.712’W;
 “AL” is 56°37.500’N, 006°02.676’W;
 “AM” is 56°38.071’N, 006°03.598’W; and
 “AN” is 56°38.572’N, 006°11.715’W.

SCHEDULE 2

Articles 2 and 4(4)(b)

AREAS WHERE MECHANICAL DREDGING AND, PROVIDED CERTAIN SPECIFIED EQUIPMENT IS NOT USED, DEMERSAL TRAWLING (EXCEPT BEAM TRAWLING) IS ALLOWED

For the purposes of articles 2 and 4(4)(b) the parts of the protected area described in this Schedule are enclosed by the boundary lines which are described below, in each case by reference to the co-ordinates of the points joined by a line and a topographical description of the line—

PART 1

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographic description of boundary line</i>
1	AO to AP	Mean low water spring tide
2	AP to AQ	Geodesic line
3	AQ to AR	Mean low water spring tide
4	AR to AS	Geodesic line
5	AS to AT	Mean low water spring tide
6	AT to AU	Geodesic line
7	AU to AV	Mean low water spring tide
8	AV to AW	Geodesic line

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<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographic description of boundary line</i>
9	AW to AX	Mean low water spring tide
10	AX to AY	Geodesic line
11	AY to AZ	Mean low water spring tide
12	AZ to AO	Geodesic line

Where—

- “AO” is 56°42.650’N, 006°13.564’W;
- “AP” is 56°40.798’N, 006°01.803’W;
- “AQ” is 56°39.030’N, 006°00.165’W;
- “AR” is 56°32.664’N, 005°52.001’W;
- “AS” is 56°31.276’N, 005°51.997’W;
- “AT” is 56°36.604’N, 006°01.898’W;
- “AU” is 56°36.651’N, 006°01.797’W;
- “AV” is 56°36.678’N, 006°01.765’W;
- “AW” is 56°36.743’N, 006°01.712’W;
- “AX” is 56°37.500’N, 006°02.676’W;
- “AY” is 56°38.071’N, 006°03.598’W; and
- “AZ” is 56°38.572’N, 006°11.715’W.

PART 2

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographic description of boundary line</i>
1	BA to BB	Mean low water spring tide
2	BB to BC	Geodesic line
3	BC to BD	Mean low water spring tide
4	BD to BE	Geodesic line
5	BE to BF	Mean low water spring tide
6	BF to BG	Geodesic line
7	BG to BH	Mean low water spring tide
8	BH to BI	Geodesic line
9	BI to BJ	Mean low water spring tide
10	BJ to BK	Geodesic line
11	BK to BL	Mean low water spring tide
12	BL to BA	Geodesic line

Where—

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“BA” is 56°27.683’N, 005°35.959’W;
 “BB” is 56°31.970’N, 005°27.809’W;
 “BC” is 56°31.223’N, 005°26.208’W;
 “BD” is 56°28.815’N, 005°28.524’W;
 “BE” is 56°26.245’N, 005°28.945’W;
 “BF” is 56°25.380’N, 005°29.072’W;
 “BG” is 56°25.317’N, 005°29.280’W;
 “BH” is 56°23.459’N, 005°34.981’W;
 “BI” is 56°27.287’N, 005°36.539’W;
 “BJ” is 56°27.629’N, 005°36.047’W;
 “BK” is 56°27.639’N, 005°36.028’W; and
 “BL” is 56°27.671’N, 005°35.978’W.

PART 3

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographic description of boundary line</i>
1	BM to BN	Mean low water spring tide
2	BN to BO	Geodesic line
3	BO to BP	Mean low water spring tide
4	BP to BM	Geodesic line

Where—

“BM” is 56°11.276’N, 005°37.940’W;
 “BN” is 56°11.583’N, 005°37.773’W;
 “BO” is 56°10.893’N, 005°34.954’W; and
 “BP” is 56°08.322’N, 005°36.546’W.

PART 4

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographic description of boundary line</i>
1	BQ to BR	Mean low water spring tide
2	BR to BS	Geodesic line
3	BS to BT	Mean low water spring tide
4	BT to BU	Geodesic line
5	BU to BV	Geodesic line
6	BV to BQ	Geodesic line

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Where—

- “BQ” is 56°07.799’N, 005°36.400’W;
- “BR” is 56°07.806’N, 005°36.320’W;
- “BS” is 56°06.777’N, 005°34.108’W;
- “BT” is 56°06.591’N, 005°34.018’W;
- “BU” is 56°06.104’N, 005°34.461’W; and
- “BV” is 56°06.263’N, 005°37.932’W.

PART 5

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographic description of boundary line</i>
1	BW to BX	Geodesic line
2	BX to BY	Geodesic line
3	BY to BZ	Mean low water spring tide
4	BZ to BW	Geodesic line

Where—

- “BW” is 55°59.543’N, 005°42.667’W;
- “BX” is 56°04.239’N, 005°37.446’W;
- “BY” is 56°04.208’N, 005°36.504’W; and
- “BZ” is 55°59.132’N, 005°41.294’W.

PART 6

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographic description of boundary line</i>
1	CA to CB	Geodesic line
2	CB to CC	Geodesic line
3	CC to CD	Geodesic line
4	CD to CA	Mean low water spring tide

Where—

- “CA” is 56°04.606’N, 005°43.483’W;
- “CB” is 56°04.545’N, 005°43.164’W;
- “CC” is 56°00.531’N, 005°45.972’W; and
- “CD” is 56°00.818’N, 005°46.929’W.

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PART 7

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographic description of boundary line</i>
1	CE to CF	Geodesic line
2	CF to CG	Geodesic line
3	CG to CH	Geodesic line
4	CH to CE	Geodesic line

Where—

“CE” is 56°09.856’N, 005°49.197’W;

“CF” is 56°13.284’N, 005°45.400’W;

“CG” is 56°11.986’N, 005°43.459’W; and

“CH” is 56°09.635’N, 005°47.702’W.

PART 8

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographic description of boundary line</i>
1	CI to CJ	Geodesic line
2	CJ to CK	Geodesic line
3	CK to CL	Geodesic line
4	CL to CM	Geodesic line
5	CM to CI	Mean low water spring tide

Where—

“CI” is 56°21.778’N, 005°42.284’W;

“CJ” is 56°21.469’N, 005°41.857’W;

“CK” is 56°18.750’N, 005°47.500’W;

“CL” is 56°18.378’N, 005°49.731’W; and

“CM” is 56°18.749’N, 005°49.789’W.

PART 9

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographic description of boundary line</i>
1	CN to CO	Geodesic line
2	CO to CN	Mean low water spring tide

Where—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“CN” is 56°28.681’N, 005°42.561’W; and

“CO” is 56°28.273’N, 005°41.771’W.

SCHEDULE 3

Article 2

THE FIRTH OF LORN SPECIAL AREA OF CONSERVATION

For the purposes of article 2 the part of the protected area described in this Schedule is enclosed by the boundary lines which are described below, in each case by reference to the co-ordinates of the points joined by a line and a topographical description of the line—

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographic description of boundary line</i>
1	CP to CQ	Geodesic line
2	CQ to CR	Geodesic line
3	CR to CS	Geodesic line
4	CS to CT	Geodesic line
5	CT to CU	Geodesic line
6	CU to CV	Mean high water spring tide
7	CV to CW	Geodesic line
8	CW to CX	Mean high water spring tide
9	CX to CY	Geodesic line
10	CY to CZ	Mean high water spring tide
11	CZ to DA	Geodesic line
12	DA to DB	Mean high water spring tide
13	DB to DC	Geodesic line
14	DC to DD	Mean high water spring tide
15	DD to DE	Geodesic line
16	DE to DF	Geodesic line
17	DF to DG	Geodesic line
18	DG to DH	Geodesic line
19	DH to DI	Geodesic line
20	DI to CP	Geodesic line

Where—

“CP” is 56°12.583’N, 005°55.945’W;

“CQ” is 56°16.220’N, 005°49.392’W;

“CR” is 56°16.878’N, 005°48.205’W;

“CS” is 56°16.071’N, 005°46.993’W;

“CT” is 56°20.348’N, 005°39.148’W;
“CU” is 56°20.334’N, 005°34.040’W;
“CV” is 56°18.828’N, 005°34.871’W;
“CW” is 56°18.876’N, 005°35.167’W;
“CX” is 56°15.910’N, 005°37.369’W;
“CY” is 56°15.750’N, 005°37.831’W;
“CZ” is 56°11.300’N, 005°38.016’W;
“DA” is 56°08.315’N, 005°36.524’W;
“DB” is 56°07.800’N, 005°36.374’W;
“DC” is 56°07.654’N, 005°41.262’W;
“DD” is 56°06.815’N, 005°47.699’W;
“DE” is 56°09.635’N, 005°47.702’W;
“DF” is 56°11.986’N, 005°43.459’W;
“DG” is 56°13.284’N, 005°45.400’W;
“DH” is 56°13.606’N, 005°45.882’W; and
“DI” is 56°10.258’N, 005°51.915’W.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 11(1) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy (OJ L 354, 28.12.2013, p.22) empowers EU member States to adopt conservation measures which are necessary for compliance with obligations under EU environmental legislation.

The Loch Sunart to the Sound of Jura Nature Conservation Marine Protected Area Order 2014 (“the 2014 Order”) designated Loch Sunart to the Sound of Jura as a nature conservation marine protected area (“Loch Sunart to the Sound of Jura MPA”). The 2014 Order provides that common skate, a mobile species, and the Quaternary of Scotland which is a geomorphological feature are protected features within the Loch Sunart to the Sound of Jura MPA.

This Order furthers the stated conservation objectives for the Loch Sunart to the Sound of Jura MPA insofar as they relate to common skate and protects the Firth of Lorn Special Area of Conservation (“Firth of Lorn SAC”) in respect of reefs.

Article 3 and Schedule 1 describe the area protected by this Order (“the protected area”). It comprises part of the Loch Sunart to the Sound of Jura MPA, the whole of the Firth of Lorn SAC which is described in article 2 and Schedule 3, and an area which is outwith both of those designated areas.

Article 4 prohibits and regulates activities within the protected area.

Article 4(2) provides that a person must not deploy or use any fishing gear within the protected area. The term “fishing gear” is defined in article 4(6) of the Order.

Article 4(3) regulates the storage of fishing gear on fishing vessels within the protected area.

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Article 4(4) provides that the provision made by the Order in prohibiting and regulating activities is subject to certain specified exceptions. Article 4(4)(a) provides that the prohibitions and regulations do not apply to activities carried out in the protected area for the purpose of saving life or for the purpose of securing the safety of a vessel, aircraft or marine structure. Article 4(4)(b) provides that mechanical dredging and, provided that certain specified equipment is not used, demersal trawling (other than beam trawling) by fishing vessels, is permitted within certain specified parts of the protected area, which are described in Schedule 2.

Article 4(5) provides that the exceptions to the prohibition which are provided by article 4(4)(b) only apply within certain specified parts of the protected area at certain specified times of the year.

Article 5 provides that the Scottish Ministers may issue permits authorising fishing within the protected area only for the purpose of scientific research which would, apart from such a permit, be unlawful under the Order. The article makes provision regarding the procedure which applies to the making of applications for permits and the determination of such applications.

Article 6 provides that paragraph (b) of section 97(1) of the Marine (Scotland) Act 2010 does not apply in relation to an offence under section 94 of that Act of contravening this Order or an offence under section 95 of that Act.

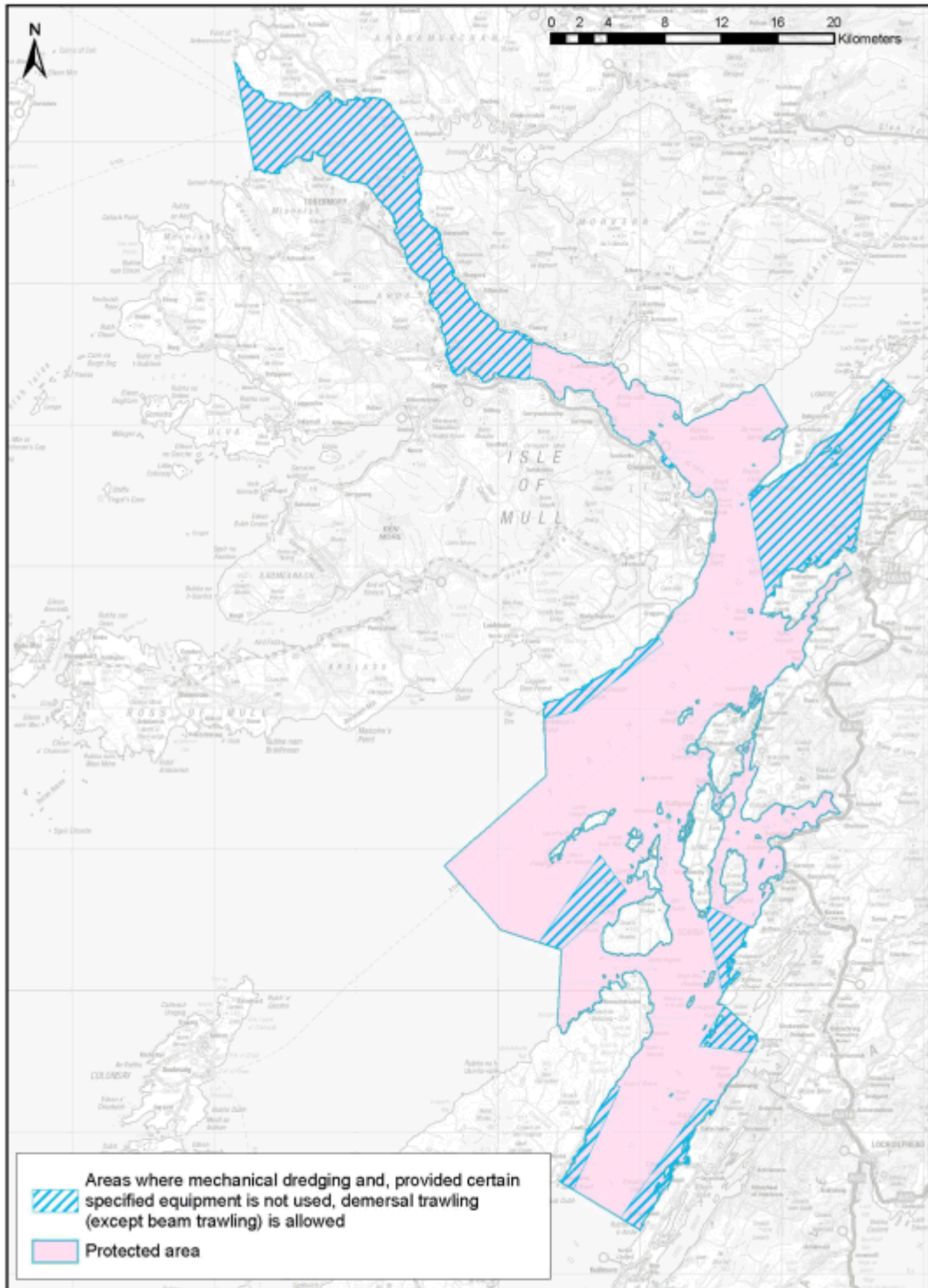
Article 7 provides that the Inshore Fishing (Prohibition Methods of Fishing) (Firth of Lorn) (No. 2) Order 2007 (“the 2007 Order”) is revoked. The provision made by the 2007 Order is broadly re-made by this Order.

A person who contravenes this Order commits an offence and is liable on summary conviction to a fine of up to £50,000, and on conviction on indictment to an unlimited fine. The penalty on summary conviction under this Order is greater than that which is provided by the 2007 Order.

A business and regulatory impact assessment has been prepared in relation to this Order and placed in the Scottish Parliament Information Centre. A copy of this can be obtained from Marine Scotland, the Scottish Government, Victoria Quay, Edinburgh, EH6 6QQ.

An illustrative map showing that part of the Loch Sunart to the Sound of Jura MPA, the Firth of Lorn SAC, and that area which is outwith both the Loch Sunart to the Sound of Jura MPA and the Firth of Lorn SAC in respect of which the Order applies is attached to this note.

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