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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 58**

**SEA FISHERIES**

**The Inshore Fishing (Prohibition of Fishing for Cockles) (Scotland) Order 2006**

*Made* - - - - 10th February 2006  
*Laid before the Scottish Parliament* - - - - 10th February 2006  
*Coming into force* - - 13th March 2006

The Scottish Ministers, in exercise of the powers conferred by section 1 of the Inshore Fishing (Scotland) Act 1984(1) and of all other powers enabling them in that behalf, and having consulted such bodies as they consider appropriate, hereby make the following Order:

**Citation and commencement**

1. This Order may be cited as the Inshore Fishing (Prohibition of Fishing for Cockles) (Scotland) Order 2006 and shall come into force on 13th March 2006.

**Prohibition of fishing for cockles**

2. Subject to articles 3 and 4, fishing for cockles (*Cerastoderma edule*) from or by means of any vehicle in Scottish inshore waters is prohibited.

**Excepted area**

3. The prohibition in article 2 shall not apply to fishing for cockles within that part of Scottish inshore waters which lies within the area bounded by the mean high-water mark of ordinary spring tides, by a straight line extending due east from the Isle of Whithorn at a point at 54°41'46" North latitude and 04°22'00" West longitude and by the line referred to in article 3(b)(i) of the Scottish Adjacent Waters Boundaries Order 1999(2).

**Exception for scientific investigation**

4. The prohibition in article 2 shall not apply to fishing for cockles by, or authorised by, the Scottish Ministers for the purposes of scientific investigation.

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(1) 1984 c. 26; section 1 was amended by the Inshore Fishing (Scotland) Act 1994 (c. 27), section 1. 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) S.I.1999/1126.

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## Revocations

5. The Inshore Fishing (Prohibition of Fishing for Cockles) (Scotland) Order 1995<sup>(3)</sup>, The Inshore Fishing (Prohibition of Fishing for Cockles) (Scotland) Amendment Order 2001<sup>(4)</sup> and The Inshore Fishing (Prohibition of Fishing for Cockles) (Scotland) Amendment Order 2005<sup>(5)</sup> are revoked.

St Andrew's House,  
Edinburgh  
10th February 2006

*JOHN MASON*  
A member of the staff of the Scottish Ministers

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<sup>(3)</sup> S.I. 1995/1373.  
<sup>(4)</sup> S.S.I. 2001/449.  
<sup>(5)</sup> S.S.I. 2005/140.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order prohibits, subject to two exceptions, fishing for cockles from or by means of any vehicle in Scottish inshore waters (article 2).

“Scottish inshore waters” is defined in section 9(1) of the Inshore Fishing (Scotland) Act 1984.

Fishing for cockles within the area of the Solway Firth specified in article 3 is excepted from the prohibition. This area corresponds to that specified in the Solway Firth Regulated Fishery (Scotland) Order 2006 ([S.S.I. 2006/57](#)), in terms of which fishing for cockles from or by means of a vehicle may be licensed. An illustrative map showing the specified area accompanies this Note.

Fishing for cockles by, or authorised by, the Scottish Ministers for the purpose of scientific investigation is excepted from the prohibition (article 4).

This Order revokes the Inshore Fishing (Prohibition of Fishing for Cockles) (Scotland) Order 1995, the Inshore Fishing (Prohibition of Fishing for Cockles) (Scotland) Amendment Order 2001 and the Inshore Fishing (Prohibition of Fishing for Cockles) (Scotland) Amendment Order 2005 (article 5).

The Regulatory Impact Assessment relating to this Order is available from the Scottish Executive Environment and Rural Affairs Department, Pentland House, 47 Robb’s Loan, Edinburgh, EH14 1TY.

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