
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 48

SEA FISHERIES

The Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Outer Hebrides) Order 2017

Made - - - - 21st February 2017
Laid before the Scottish Parliament - - - - 23rd February 2017
Coming into force - - 1st April 2017

The Scottish Ministers make the following Order in exercise of the powers conferred by section 1 of the Inshore Fishing (Scotland) Act 1984(1) and all other powers enabling them to do so.

In accordance with section 1(1) of that Act the Scottish Ministers have consulted such bodies as they considered appropriate.

Citation and commencement

1. This Order may be cited as the Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Outer Hebrides) Order 2017 and comes into force on 1st April 2017.

Interpretation

2. In this Order—

“boundary line” means a boundary delineated by a line as described in any of schedules 1 to 5;

“co-ordinate” means a co-ordinate of latitude and longitude according to the World Geodetic System 1984 datum(2);

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

“dredge” means a mechanical dredge;

“king scallops” means scallops of the species *Pecten maximus*;

(1) 1984 c.26 (“the 1984 Act”). Section 1 was amended by the Inshore Fishing (Scotland) Act 1994 (“the 1994 Act”) (c.27), section 1. The definition of “Scottish inshore waters” in section 9(1) of the 1984 Act was amended by section 4(2) of the 1994 Act. Sections 1 and 9(1) of the 1984 Act were also amended by S.I. 1999/1820. 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) The World Geodetic System 1984 datum 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/wgs84fn.pdf>).

“parlour creel” means a creel covered by netting 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;

“queen scallops” means scallops of the species *Chlamys opercularis*; and

“suction dredge” means a dredge which raises material and sea fish from the seabed by the use of a solids pump, air lift, or water jets which dig into the seabed.

Prohibited methods of fishing in the Loch Maddy to Stuley Island Protected Area

3.—(1) The following methods of fishing are prohibited in the Loch Maddy to Stuley Island Protected Area—

- (a) fishing for any species of sea fish using a suction dredge;
- (b) fishing for any species of sea fish except king scallops and queen scallops with a trawl, Danish seine or similar net, purse seine, ring net or dredge between 1st March and 31st October in each year (both dates inclusive); and
- (c) all methods of fishing for king scallops or queen scallops between—
 - (i) 1st March and 30th April in each year (both dates inclusive); and
 - (ii) 25th August and 31st October in each year (both dates inclusive).

(2) In this article, “Loch Maddy to Stuley Island Protected Area” means the area described in schedule 1.

Prohibited methods of fishing in the Sound of Harris Protected Area

4.—(1) Fishing for any species of sea fish with a suction dredge is prohibited in the Sound of Harris Protected Area.

(2) In this article, “Sound of Harris Protected Area” means the area described in schedule 2.

Prohibited methods of fishing in the Bragar to Dell Protected Area

5.—(1) Fishing for any species of sea fish with a creel or parlour creel is prohibited in the Bragar to Dell Protected Area between—

- (a) 1st January and 31st March in each year (both dates inclusive); and
- (b) 1st November and 31st December in each year (both dates inclusive).

(2) In this article, “Bragar to Dell Protected Area” means the area described in schedule 3.

Prohibited methods of fishing in the Barra Head (Berneray) to Harris Protected Area

6.—(1) Fishing for any species of sea fish with a creel or parlour creel is prohibited in the Barra Head (Berneray) to Harris Protected Area between—

- (a) 1st January and 31st March in each year (both dates inclusive); and
- (b) 1st November and 31st December in each year (both dates inclusive).

(2) In this article, “Barra Head (Berneray) to Harris Protected Area” means the area described in schedule 4.

Prohibited methods of fishing in the Loch Roag Protected Area

7.—(1) Fishing for shellfish with a creel or parlour creel is prohibited in the Loch Roag Protected Area between 1st May and 31st July in each year (both dates inclusive).

(2) In this article, “Loch Roag Protected Area” means the area described in schedule 5.

Revocations

8. The following provisions of the Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 2004⁽³⁾ are revoked—

- (a) the entry relating to Loch Maddy to Stuley Island, listed as item 15 in column 1 of schedule 1 (prohibition of fishing for sea fish with mobile or active gear);
- (b) the entry relating to the Sound of Harris, listed as item 16 in column 1 of schedule 1;
- (c) the entry relating to Bragar to Dell, listed as item 2 in column 1 of schedule 2 (prohibition of fishing for sea fish with creels); and
- (d) the entry relating to Northern Barra, South Uist, Benbecula, North Uist and Harris, listed as item 4 in column 1 of schedule 2.

St Andrew’s House,
Edinburgh
21st February 2017

FERGUS EWING
A member of the Scottish Government

(3) [S.S.I. 2004/276](#), amended by [S.S.I. 2015/435](#), [S.S.I. 2015/436](#) and [S.S.I. 2016/88](#).

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SCHEDULE 1

Article 3

LOCH MADDY TO STULEY ISLAND PROTECTED AREA

Interpretation

1. In this schedule—

- co-ordinate “A” is 57° 34.687’ North latitude and 007° 06.846’ West longitude;
- co-ordinate “B” is 57° 34.687’ North latitude and 007° 05.247’ West longitude;
- co-ordinate “C” is 57° 23.788’ North latitude and 007° 09.046’ West longitude;
- co-ordinate “D” is 57° 16.989’ North latitude and 007° 09.645’ West longitude;
- co-ordinate “E” is 57° 14.489’ North latitude and 007° 12.645’ West longitude;
- co-ordinate “F” is 57° 11.490’ North latitude and 007° 11.845’ West longitude;
- co-ordinate “G” is 57° 11.490’ North latitude and 007° 14.445’ West longitude;
- co-ordinate “H” is 57° 11.386’ North latitude and 007° 15.276’ West longitude;
- co-ordinate “I” is 57° 11.378’ North latitude and 007° 15.445’ West longitude.
- co-ordinate “J” is 57° 24.380’ North latitude and 007° 19.560’ West longitude;
- co-ordinate “K” is 57° 24.388’ North latitude and 007° 19.562’ West longitude;
- co-ordinate “L” is 57° 29.153’ North latitude and 007° 18.111’ West longitude;
- co-ordinate “M” is 57° 29.176’ North latitude and 007° 18.102’ West longitude;
- co-ordinate “N” is 57° 29.455’ North latitude and 007° 17.489’ West longitude;
- co-ordinate “O” is 57° 29.457’ North latitude and 007° 17.478’ West longitude;
- co-ordinate “P” is 57° 30.155’ North latitude and 007° 15.792’ West longitude; and
- co-ordinate “Q” is 57° 30.170’ North latitude and 007° 15.790’ West longitude.

Description of the Loch Maddy to Stuley Island Protected Area

2. The Loch Maddy to Stuley Island Protected Area is that part of Scottish inshore waters, including the seabed and subsoil, which is enclosed by the boundary lines (the topographical descriptions of which are provided in the third column of the following table) which join in the order given the co-ordinates listed in the second column.

| <i>Boundary line</i> | <i>Co-ordinates between which the boundary line extends</i> | <i>Topographical description of boundary line</i> |
|----------------------|---|---|
| 1. | A to B | Geodesic line |
| 2. | B to C | Geodesic line |
| 3. | C to D | Geodesic line |
| 4. | D to E | Geodesic line |
| 5. | E to F | Geodesic line |
| 6. | F to G | Geodesic line |
| 7. | G to H | Line following the mean high water spring mark |
| 8. | H to I | Geodesic line |

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| <i>Boundary line</i> | <i>Co-ordinates between which the boundary line extends</i> | <i>Topographical description of boundary line</i> |
|----------------------|---|---|
| 9. | I to J | Line following the mean high water spring mark |
| 10. | J to K | Geodesic line |
| 11. | K to L | Line following the mean high water spring mark |
| 12. | L to M | Geodesic line |
| 13. | M to N | Line following the mean high water spring mark |
| 14. | N to O | Geodesic line |
| 15. | O to P | Line following the mean high water spring mark |
| 16. | P to Q | Geodesic line |
| 17. | Q to A | Line following the mean high water spring mark |

SCHEDULE 2

Article 4

SOUND OF HARRIS PROTECTED AREA

Interpretation

1. In this schedule—

- co-ordinate “A” is 57° 59.503’ North latitude and 007° 06.804’ West longitude;
- co-ordinate “B” is 57° 43.661’ North latitude and 006° 57.930’ West longitude;
- co-ordinate “C” is 57° 39.004’ North latitude and 007° 02.599’ West longitude;
- co-ordinate “D” is 57° 38.420’ North latitude and 007° 03.788’ West longitude; and
- co-ordinate “E” is 57° 39.630’ North latitude and 007° 29.505’ West longitude.

Description of the Sound of Harris Protected Area

2. The Sound of Harris Protected Area is that part of Scottish inshore waters, including the seabed and subsoil, which is enclosed by the boundary lines (the topographical descriptions of which are provided in the third column of the following table) which join in the order given the co-ordinates listed in the second column.

| <i>Boundary line</i> | <i>Co-ordinates between which the boundary line extends</i> | <i>Topographical description of boundary line</i> |
|----------------------|---|---|
| 1. | A to B | Line following the mean high water spring mark |
| 2. | B to C | Geodesic line |
| 3. | C to D | Geodesic line |

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| <i>Boundary line</i> | <i>Co-ordinates between which the boundary line extends</i> | <i>Topographical description of boundary line</i> |
|----------------------|---|---|
| 4. | D to E | Line following the mean high water spring mark |
| 5. | E to A | Geodesic line |

SCHEDULE 3

Article 5

BRAGAR TO DELL PROTECTED AREA

Interpretation

1. In this schedule—

co-ordinate “A” is 58° 21.250’ North latitude and 006° 38.966’ West longitude;
 co-ordinate “B” is 58° 22.603’ North latitude and 006° 41.537’ West longitude;
 co-ordinate “C” is 58° 22.863’ North latitude and 006° 40.577’ West longitude;
 co-ordinate “D” is 58° 22.983’ North latitude and 006° 39.972’ West longitude;
 co-ordinate “E” is 58° 23.039’ North latitude and 006° 39.333’ West longitude;
 co-ordinate “F” is 58° 23.034’ North latitude and 006° 38.771’ West longitude;
 co-ordinate “G” is 58° 22.984’ North latitude and 006° 38.239’ West longitude;
 co-ordinate “H” is 58° 22.889’ North latitude and 006° 37.735’ West longitude;
 co-ordinate “I” is 58° 23.092’ North latitude and 006° 37.261’ West longitude;
 co-ordinate “J” is 58° 23.359’ North latitude and 006° 36.401’ West longitude;
 co-ordinate “K” is 58° 23.479’ North latitude and 006° 35.798’ West longitude;
 co-ordinate “L” is 58° 23.543’ North latitude and 006° 35.212’ West longitude;
 co-ordinate “M” is 58° 24.358’ North latitude and 006° 34.469’ West longitude;
 co-ordinate “N” is 58° 24.750’ North latitude and 006° 34.038’ West longitude;
 co-ordinate “O” is 58° 25.332’ North latitude and 006° 32.787’ West longitude;
 co-ordinate “P” is 58° 25.512’ North latitude and 006° 31.938’ West longitude;
 co-ordinate “Q” is 58° 25.959’ North latitude and 006° 31.099’ West longitude;
 co-ordinate “R” is 58° 26.427’ North latitude and 006° 29.654’ West longitude;
 co-ordinate “S” is 58° 26.804’ North latitude and 006° 29.274’ West longitude;
 co-ordinate “T” is 58° 27.300’ North latitude and 006° 28.494’ West longitude;
 co-ordinate “U” is 58° 27.591’ North latitude and 006° 27.756’ West longitude;
 co-ordinate “V” is 58° 28.342’ North latitude and 006° 25.755’ West longitude;
 co-ordinate “W” is 58° 28.456’ North latitude and 006° 25.295’ West longitude;
 co-ordinate “X” is 58° 28.532’ North latitude and 006° 24.813’ West longitude;
 co-ordinate “Y” is 58° 28.843’ North latitude and 006° 24.148’ West longitude;
 co-ordinate “Z” is 58° 29.047’ North latitude and 006° 23.415’ West longitude;
 co-ordinate “AA” is 58° 29.311’ North latitude and 006° 23.239’ West longitude;
 co-ordinate “AB” is 58° 29.554’ North latitude and 006° 22.989’ West longitude;

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co-ordinate “AC” is 58° 29.758’ North latitude and 006° 22.696’ West longitude;
 co-ordinate “AD” is 58° 29.976’ North latitude and 006° 22.253’ West longitude; and
 co-ordinate “AE” is 58° 28.701’ North latitude and 006° 19.815’ West longitude.

Description of the Bragar to Dell Protected Area

2. The Bragar to Dell Protected Area is that part of Scottish inshore waters, including the seabed and subsoil, which is enclosed by the boundary lines (the topographical descriptions of which are provided in the third column of the following table) which join in the order given the co-ordinates listed in the second column.

| <i>Boundary line</i> | <i>Co-ordinates between which the boundary line extends</i> | <i>Topographical description of boundary line</i> |
|----------------------|---|---|
| 1. | A to B | Geodesic line |
| 2. | B to C | Geodesic line |
| 3. | C to D | Geodesic line |
| 4. | D to E | Geodesic line |
| 5. | E to F | Geodesic line |
| 6. | F to G | Geodesic line |
| 7. | G to H | Geodesic line |
| 8. | H to I | Geodesic line |
| 9. | I to J | Geodesic line |
| 10. | J to K | Geodesic line |
| 11. | K to L | Geodesic line |
| 12. | L to M | Geodesic line |
| 13. | M to N | Geodesic line |
| 14. | N to O | Geodesic line |
| 15. | O to P | Geodesic line |
| 16. | P to Q | Geodesic line |
| 17. | Q to R | Geodesic line |
| 18. | R to S | Geodesic line |
| 19. | S to T | Geodesic line |
| 20. | T to U | Geodesic line |
| 21. | U to V | Geodesic line |
| 22. | V to W | Geodesic line |
| 23. | W to X | Geodesic line |
| 24. | X to Y | Geodesic line |
| 25. | Y to Z | Geodesic line |
| 26. | Z to AA | Geodesic line |

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| <i>Boundary line</i> | <i>Co-ordinates between which the boundary line extends</i> | <i>Topographical description of boundary line</i> |
|----------------------|---|---|
| 27. | AA to AB | Geodesic line |
| 28. | AB to AC | Geodesic line |
| 29. | AC to AD | Geodesic line |
| 30. | AD to AE | Geodesic line |
| 31. | AE to A | Line following the mean high water spring mark |

SCHEDULE 4

Article 6

BARRA HEAD (BERNERAY) TO HARRIS PROTECTED AREA

Interpretation

1. In this schedule—

co-ordinate “A” is 58° 00.000’ North latitude and 007° 05.549’ West longitude;
 co-ordinate “B” is 57° 50.245’ North latitude and 007° 08.013’ West longitude;
 co-ordinate “C” is 57° 47.094’ North latitude and 007° 14.365’ West longitude;
 co-ordinate “D” is 57° 46.220’ North latitude and 007° 15.901’ West longitude;
 co-ordinate “E” is 57° 39.630’ North latitude and 007° 29.505’ West longitude;
 co-ordinate “F” is 57° 30.170’ North latitude and 007° 15.790’ West longitude;
 co-ordinate “G” is 57° 30.155’ North latitude and 007° 15.792’ West longitude;
 co-ordinate “H” is 57° 29.457’ North latitude and 007° 17.478’ West longitude;
 co-ordinate “I” is 57° 29.455’ North latitude and 007° 17.489’ West longitude;
 co-ordinate “J” is 57° 29.176’ North latitude and 007° 18.102’ West longitude;
 co-ordinate “K” is 57° 29.153’ North latitude and 007° 18.111’ West longitude;
 co-ordinate “L” is 57° 24.388’ North latitude and 007° 19.562’ West longitude;
 co-ordinate “M” is 57° 24.380’ North latitude and 007° 19.560’ West longitude;
 co-ordinate “N” is 57° 07.857’ North latitude and 007° 24.238’ West longitude;
 co-ordinate “O” is 57° 04.078’ North latitude and 007° 26.943’ West longitude;
 co-ordinate “P” is 57° 03.473’ North latitude and 007° 27.361’ West longitude;
 co-ordinate “Q” is 56° 56.021’ North latitude and 007° 34.386’ West longitude;
 co-ordinate “R” is 56° 50.612’ North latitude and 007° 37.276’ West longitude;
 co-ordinate “S” is 56° 49.814’ North latitude and 007° 37.391’ West longitude;
 co-ordinate “T” is 56° 48.995’ North latitude and 007° 37.212’ West longitude;
 co-ordinate “U” is 56° 46.935’ North latitude and 007° 36.465’ West longitude;
 co-ordinate “V” is 56° 43.870’ North latitude and 007° 36.480’ West longitude;
 co-ordinate “W” is 56° 43.870’ North latitude and 007° 48.824’ West longitude; and
 co-ordinate “X” is 58° 00.000’ North latitude and 007° 30.675’ West longitude.

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Description of the Barra Head (Berneraay) to Harris Protected Area

2. The Barra Head (Berneraay) to Harris Protected Area is that part of Scottish inshore waters, including the seabed and subsoil, which is enclosed by the boundary lines (the topographical descriptions of which are provided in the third column of the following table) which join in the order given the co-ordinates listed in the second column.

| <i>Boundary line</i> | <i>Co-ordinates between which the boundary line extends</i> | <i>Topographical description of boundary line</i> |
|----------------------|---|---|
| 1. | A to B | Line following the mean high water spring mark |
| 2. | B to C | Geodesic line |
| 3. | C to D | Line following the mean high water spring mark |
| 4. | D to E | Geodesic line |
| 5. | E to F | Line following the mean high water spring mark |
| 6. | F to G | Geodesic line |
| 7. | G to H | Line following the mean high water spring mark |
| 8. | H to I | Geodesic line |
| 9. | I to J | Line following the mean high water spring mark |
| 10. | J to K | Geodesic line |
| 11. | K to L | Line following the mean high water spring mark |
| 12. | L to M | Geodesic line |
| 13. | M to N | Line following the mean high water spring mark |
| 14. | N to O | Geodesic line |
| 15. | O to P | Geodesic line |
| 16. | P to Q | Line following the mean high water spring mark |
| 17. | Q to R | Geodesic line |
| 18. | R to S | Geodesic line |
| 19. | S to T | Line following the mean high water spring mark |
| 20. | T to U | Geodesic line |
| 21. | U to V | Geodesic line |
| 22. | V to W | Geodesic line |
| 23. | W to X | Line following the seaward limit of Scottish inshore waters |

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| <i>Boundary line</i> | <i>Co-ordinates between which the boundary line extends</i> | <i>Topographical description of boundary line</i> |
|----------------------|---|---|
| 24. | X to A | Geodesic line |

SCHEDULE 5

Article 7

LOCH ROAG PROTECTED AREA

Interpretation**1.** In this schedule—

- co-ordinate “A” is 58° 14.010’ North latitude and 006° 57.248’ West longitude;
 co-ordinate “B” is 58° 14.107’ North latitude and 006° 56.928’ West longitude;
 co-ordinate “C” is 58° 14.478’ North latitude and 006° 56.167’ West longitude;
 co-ordinate “D” is 58° 14.527’ North latitude and 006° 53.299’ West longitude;
 co-ordinate “E” is 58° 15.541’ North latitude and 006° 51.244’ West longitude;
 co-ordinate “F” is 58° 16.431’ North latitude and 006° 49.164’ West longitude;
 co-ordinate “G” is 58° 16.349’ North latitude and 006° 48.982’ West longitude; and
 co-ordinate “H” is 58° 16.346’ North latitude and 006° 48.961’ West longitude.

Description of the Loch Roag Protected Area

2. The Loch Roag Protected Area is that part of Scottish inshore waters, including the seabed and subsoil, which is enclosed by the boundary lines (the topographical descriptions of which are provided in the third column of the following table) which join in the order given the co-ordinates listed in the second column.

| <i>Boundary line</i> | <i>Co-ordinates between which the boundary line extends</i> | <i>Topographical description of boundary line</i> |
|----------------------|---|---|
| 1. | A to B | Geodesic line |
| 2. | B to C | Line following the mean high water spring mark |
| 3. | C to D | Geodesic line |
| 4. | D to E | Line following the mean high water spring mark |
| 5. | E to F | Geodesic line |
| 6. | F to G | Line following the mean high water spring mark |
| 7. | G to H | Geodesic line |
| 8. | H to A | Line following the mean high water spring mark |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits specified forms of fishing in specified areas of the Outer Hebrides. It consolidates new prohibitions with existing prohibitions for the specified areas previously in the Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 2004 (“the 2004 Order”).

Article 3 prohibits specified forms of fishing for specified fish at specified times in an area of Scottish inshore waters in the Loch Maddy to Stuley Island Protected Area (which is defined in schedule 1). This expands the prohibition on scallop fishing which currently applies in the same area under the 2004 Order. The provision in the 2004 Order which sets out the current prohibition is revoked by this Order.

Article 3(1)(a) prohibits suction dredging for any species of sea fish in that area.

Article 3(1)(b) prohibits the use of mobile or active gear - a trawl, Danish seine or similar net, purse seine, ring net or dredge - to fish for any species of sea fish except king scallops and queen scallops in that area between 1st March and 31st October in each year.

Article 3(1)(c) prohibits any method of fishing for king scallops or queen scallops in the area at any time between 1st March and 30th April, and between 25th August and 31st October in each year.

Article 4 prohibits suction dredging in an area of Scottish inshore waters in the Sound of Harris Protected Area (which is defined in schedule 2). A similar prohibition currently applies in the same area under the 2004 Order which includes a broader prohibition on mobile gear fishing. The provision in the 2004 Order which sets out the current prohibition is revoked by this Order.

Article 5 prohibits fishing using a creel or parlour creel in an area of Scottish inshore waters in the Bragar to Dell Protected Area (which is defined in schedule 3) between 1st January and 31st March, and between 1st November and 31st December in each year. A prohibition on fishing using this gear currently applies in the same area under the 2004 Order but in relation to different times of the year. The provision in the 2004 Order which sets out the current prohibition is revoked by this Order.

Article 6 prohibits fishing using a creel or parlour creel in an area of Scottish inshore waters in the Barra Head (Berneray) to Harris Protected Area (which is defined in schedule 4) between 1st January and 31st March, and between 1st November and 31st December in each year. This expands the area covered by a current prohibition on fishing using a creel or parlour creel in a similar area under the 2004 Order. The provision in the 2004 Order which sets out the current prohibition is revoked by this Order.

Article 7 prohibits fishing for shellfish using a creel or parlour creel in an area of Scottish inshore waters in the Loch Roag Protected Area (which is defined in schedule 5) between 1st May and 31st July in each year.

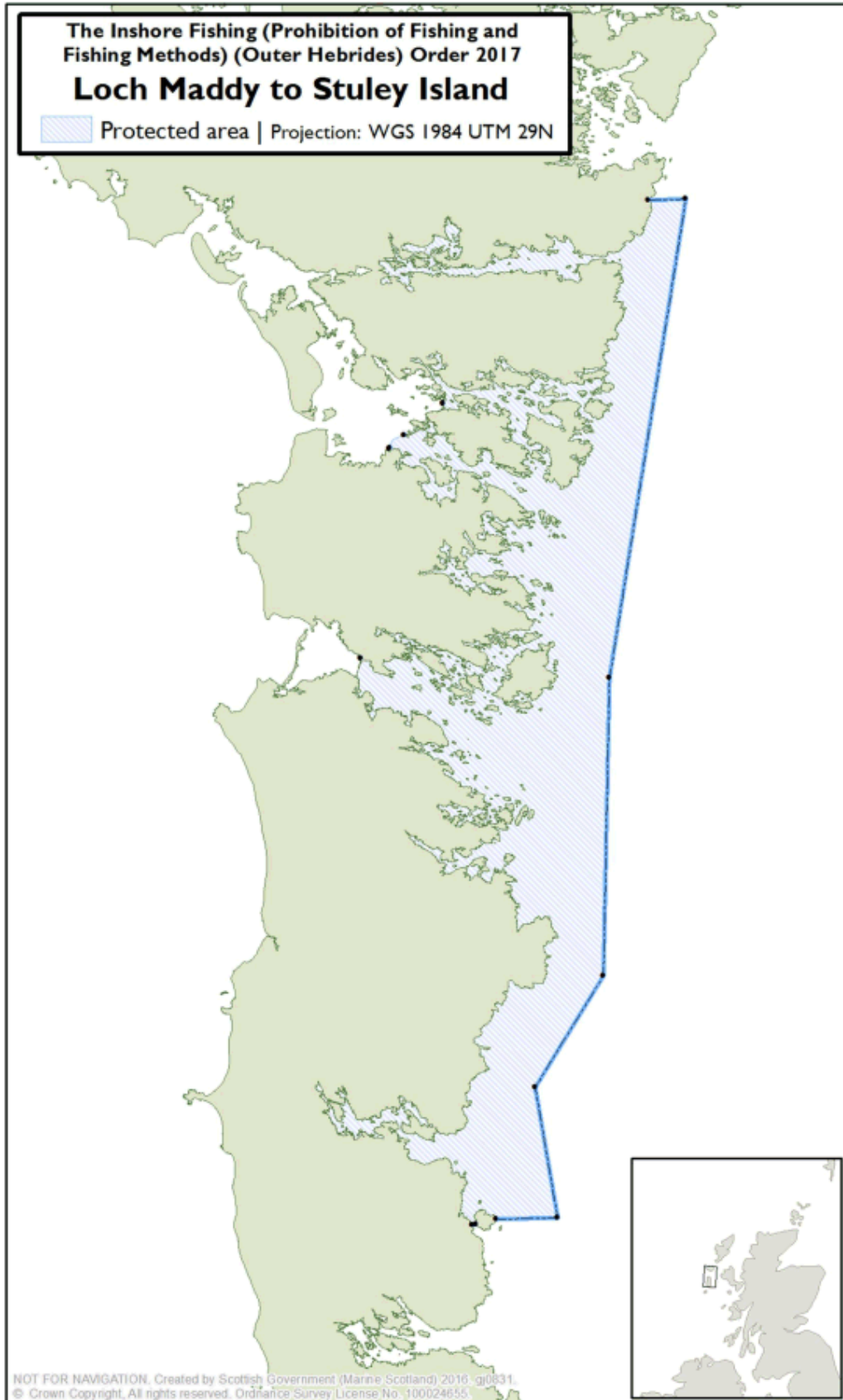
Article 8 revokes various provisions of the 2004 Order.

Any person who contravenes a provision contained in this Order commits an offence under section 4 of the Inshore Fishing (Scotland) Act 1984.

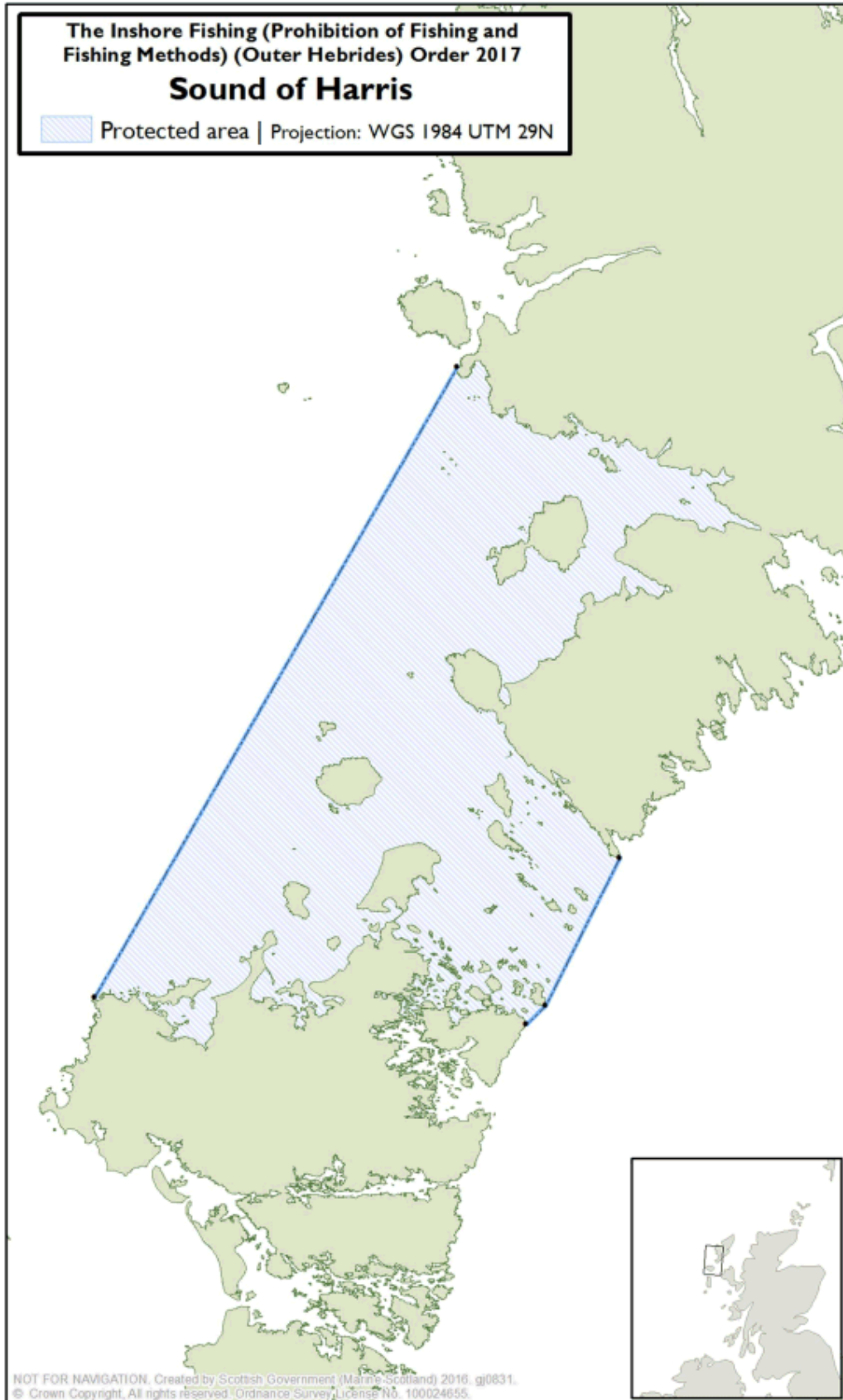
Five illustrative maps showing the protected areas are appended to this Note.

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.

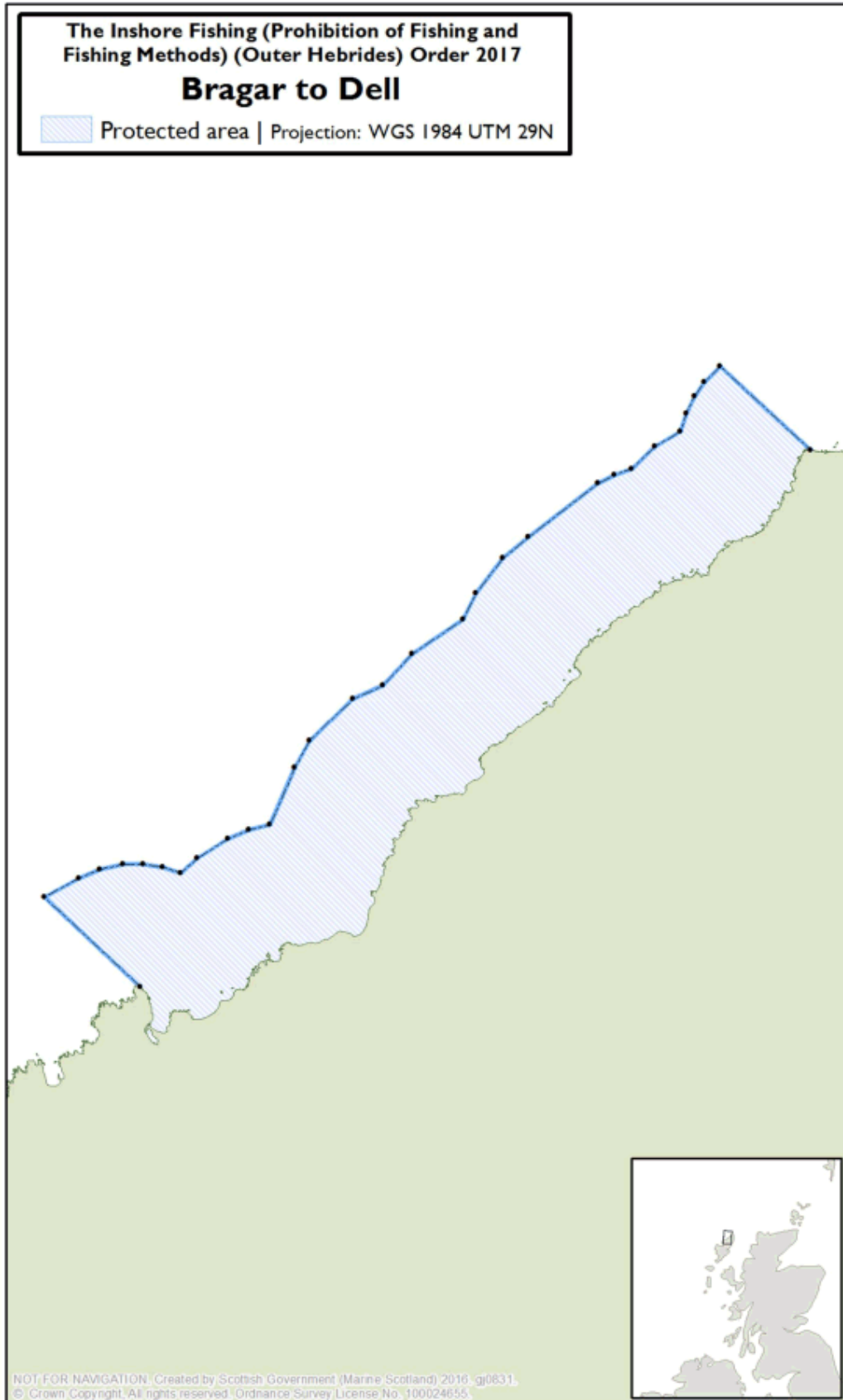
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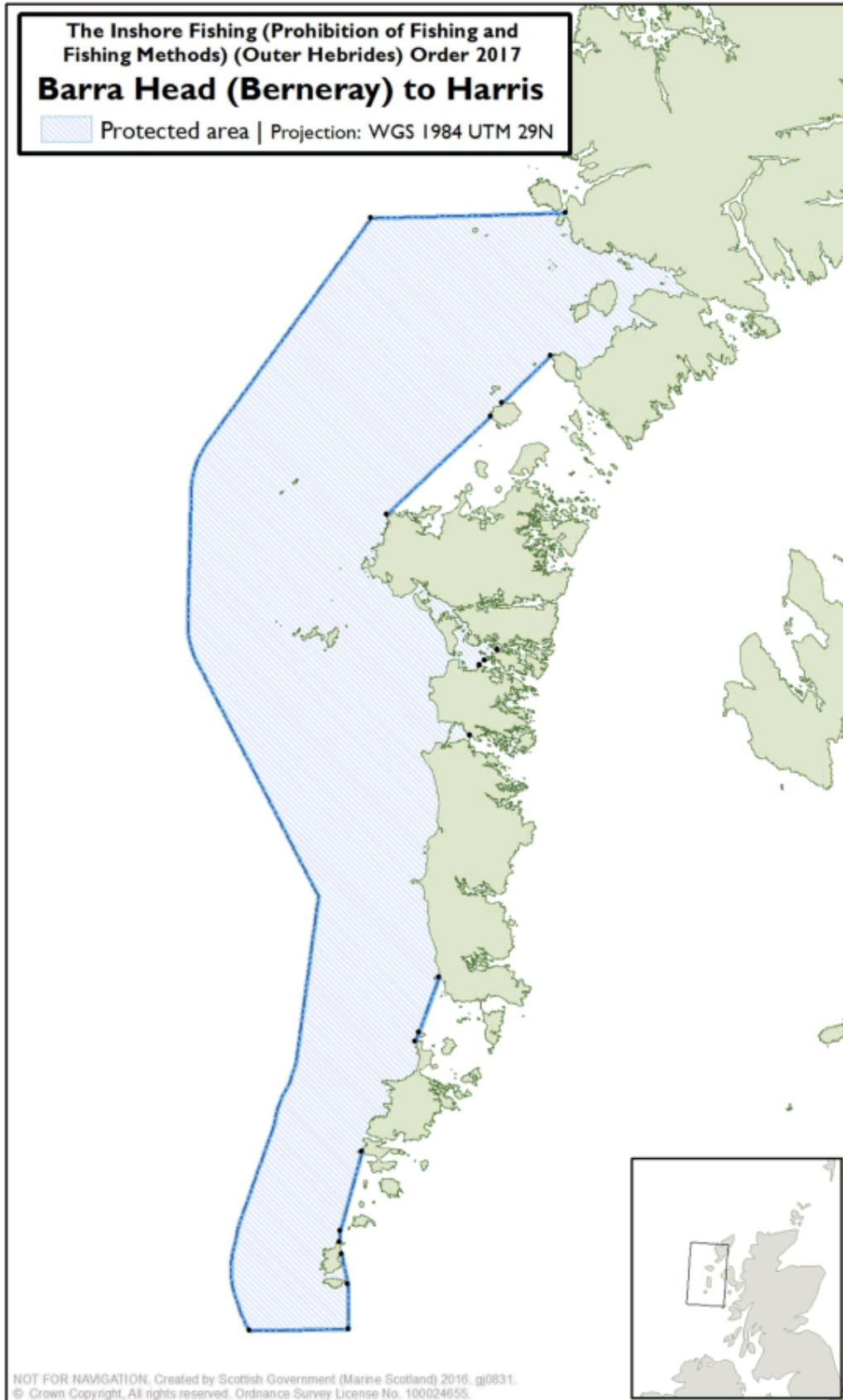
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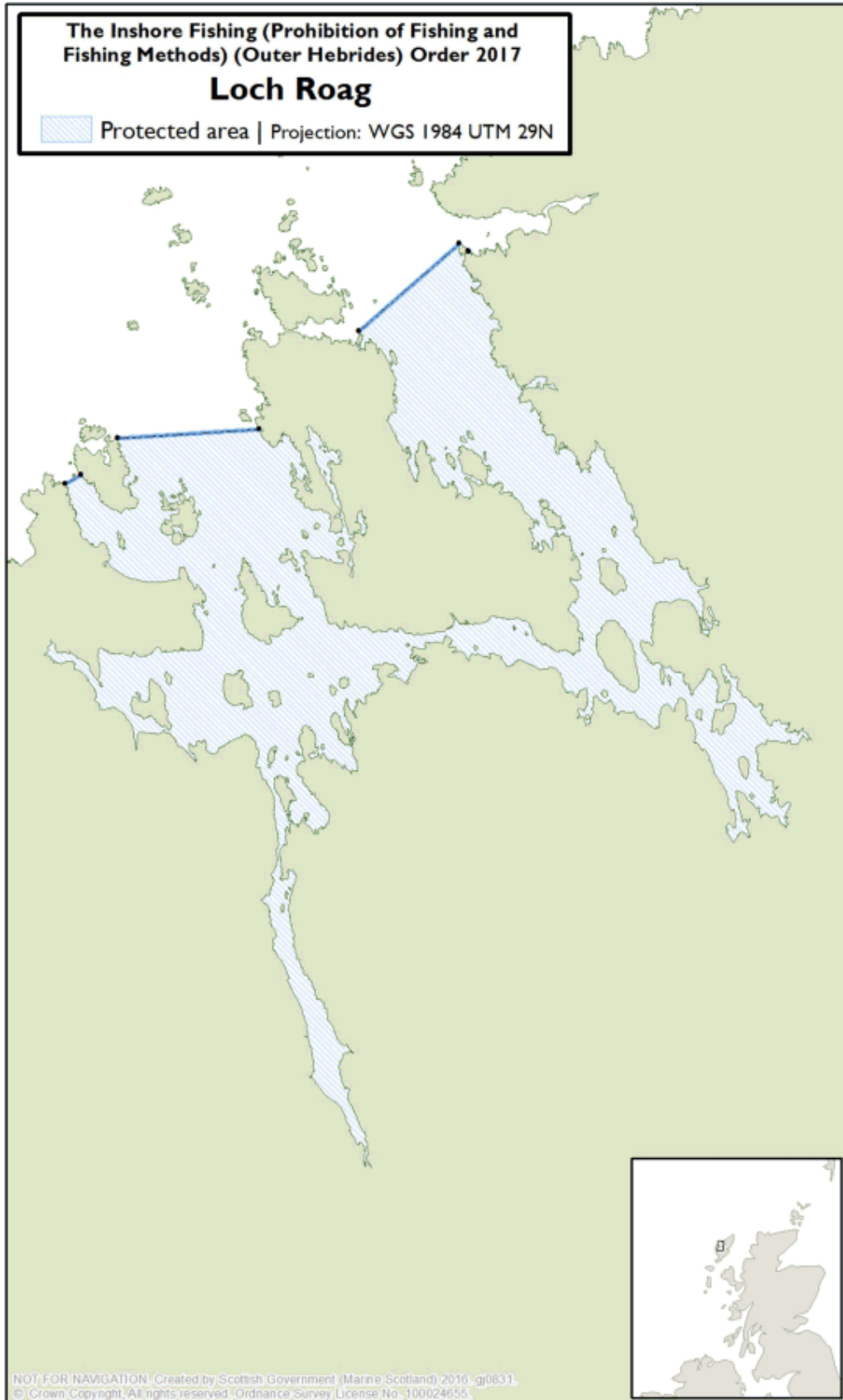
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