

2004 No. 276

SEA FISHERIES

The Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 2004

<i>Made</i>	- - -	<i>9th June 2004</i>
<i>Laid before the Scottish Parliament</i>		<i>10th June 2004</i>
<i>Coming into force</i>	- -	<i>5th July 2004</i>

The Scottish Ministers, in exercise of the powers conferred by section 1 of the Inshore Fishing (Scotland) Act 1984(a) 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 and Fishing Methods) (Scotland) Order 2004 and shall come into force on 5th July 2004.

Interpretation

2.—(1) In this Order—

“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 shellfish;

“a 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;

“sea fish” does not include salmon or migratory trout;

“single trawl” means a single net towed by a two warp rig in which the net has a single groundrope bosom;

“size” in relation to a lobster, means the length of the carapace parallel to the midline, from the back of either eye socket to the distal edge of the carapace;

“suction dredging” means the raising from the seabed of material, fish and shellfish with gear involving the use of a solids pump or air lift, or water jets to dig into the sea bottom; and
“suction dredge” shall be construed accordingly.

(2) Any reference in this Order to a numbered column in a numbered Schedule is a reference to the column so numbered in the Schedule so numbered to this Order.

(a) 1984 c.26. Section 1 was amended by the Inshore Fishing (Scotland) Act 1994 (c.27), section 1 and by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), article 4 and Schedule 2, paragraph 72. 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).

(3) The periods of prohibition specified in column 3 and, where appropriate, the additional periods of prohibition, excepted methods of fishing for sea fish, periods of exception and excepted fishing boats specified, as the case may be, in columns 4, 5 and 6 of Schedules 1, 2 and 3 are so specified for the purposes of articles 3, 4, 5, 7 and 8 of this Order in relation to the areas specified in column 2 of the said Schedules opposite to which they appear.

Prohibition of fishing for sea fish with mobile or active gear

3.—(1) Subject to article 4 below, fishing for sea fish with a trawl, Danish seine or similar net, purse seine, ring net or dredge (including a suction dredge) is prohibited within the areas within Scottish inshore waters specified in column 2 of Schedule 1 during the periods specified in column 3 of that Schedule in relation to such areas.

(2) In addition to the prohibition on suction dredging specified in paragraph (1) above, fishing for sea fish with a suction dredge is prohibited within the areas within Scottish inshore waters specified in column 2 of Schedule 1 during the periods specified in column 4 of that Schedule in relation to such areas.

Exceptions to prohibitions in article 3

4. The prohibitions contained in article 3 of this Order shall not prevent the use in an area specified in column 2 of Schedule 1 of any method of fishing specified in column 5, during the period specified in column 6, of that Schedule, when the method so specified is used in fishing for the species of sea fish also specified in column 5 of the Schedule in the area so specified.

Prohibition of fishing for sea fish with creels

5. Fishing for any species of sea fish with a creel is prohibited within the areas within Scottish inshore waters specified in column 2 of Schedule 2 during the periods specified in column 3 except with the fishing boats specified in column 4 of that Schedule in relation to such areas.

Prohibition of fishing for sea fish with parlour creels

6. Fishing for any species of sea fish with a parlour creel which has a mesh size of less than 60 millimetres is prohibited.

General prohibition of fishing for sea fish in specified areas

7. Subject to article 8 below, fishing for any species of sea fish is prohibited within the areas within Scottish inshore waters specified in column 2 of Schedule 3 during the period specified in column 3 of that Schedule in relation to such areas.

Exceptions to prohibition in article 7

8. The prohibition in article 7 of this Order shall not prevent the use, in an area specified in column 2 of Schedule 3, of any method of fishing specified in column 4, during the period specified in column 5, of that Schedule, when the method so specified is used for fishing for the species of sea fish also specified in column 4 of the Schedule in the area so specified.

Prohibition of fishing for lobsters

9.—(1) Subject to paragraph (2) below, fishing for lobsters (*Homarus gammarus*) within Scottish inshore waters is prohibited.

(2) The prohibition in paragraph (1) above shall not apply to male lobsters of 87 millimetres or more in size or to female lobsters between 87 millimetres and 155 millimetres, inclusive, in size.

Prohibition of fishing for shrimps

10.—(1) Subject to paragraph (2) below, fishing for shrimps (*Crangon crangon* and *Crangon allmani*) by beam trawl or other trawl in the area described in paragraph (3) below is prohibited.

(2) Paragraph (1) hereof shall not apply—

- (a) in the case of fishing by beam trawl, where the length of the beam, or where more than one beam is used at the same time by the same vessel the combined lengths of those beams, is 6 metres or less, or
- (b) in the case of fishing by otter trawl, where the length of the headline is 6 metres or less.
- (3) The area referred to in paragraph (1) above means that part of Scottish inshore waters adjacent to the coast of Scotland between, in the west, a point at 54°52'.35 North latitude and 3°35'.60 West longitude (hereafter “Southernness Point”) and, in the east, the border with England and lying to the east of a straight line drawn from Southernness Point in a direction of 184.5° true, but excluding from that area any waters which are nearer to any point on the coast of England than to any point on the coast of Scotland.
- (4) In this article, “length” in relation to a beam shall be measured between its extremities including all attachments thereto.

Exemption for scientific investigation

11. The prohibitions contained in this Order shall not apply to fishing for sea fish for the purpose of scientific investigation.

Revocations and saving

- 12.**—(1) Subject to paragraph (2) below, the Orders specified in Schedule 4 to this Order are hereby revoked.
- (2) The Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 1989(a) shall continue to apply for the purposes of the legal process of such charges as may be brought in relation to an offence under that Order.

ROSS FINNIE
A member of the Scottish Executive

Pentland House,
Edinburgh
9th June 2004

^(a) S.I. 1989/2307 amended by S.I. 1994/326, 1996/1475, 1999/751 and S.S.I. 2001/174, 2003/404, 2003/514.

SCHEDULE 1

Articles 2(3), 3 and 4

PROHIBITION OF FISHING FOR SEA FISH WITH MOBILE OR ACTIVE GEAR

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of use of mobile or active gear (all dates inclusive)</i>	<i>Column 4 Additional period of prohibition of suction dredging (all dates inclusive)</i>	<i>Column 5 Method of fishing for species of sea fish excepted from prohibition</i>	<i>Column 6 Period of exception (all dates inclusive)</i>
1.	<i>Luce Bay</i> , within a straight line drawn from a point on the mainland at 54°38'.05 North latitude and 4°51'.3 West longitude (Mull of Galloway) to a point on the mainland at 54°40'.6 North latitude and 4°23'.45 West longitude (Burrow Head).	1st March to 31st August in each year.			
2.	<i>Loch Ryan</i> , within a straight line drawn from a point on the mainland at 55°01'.1 North latitude and 05°05'.8 West longitude (Milleur Point) to a point on the mainland at 55°00'.65 North latitude and 05°03'.2 West longitude (Garry Point).	1st January to 31st December in each year.		Dredging for mussels and oysters.	1st January to 31st December in each year.

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of use of mobile or active gear (all dates inclusive)</i>	<i>Column 4 Additional period of prohibition of suction dredging (all dates inclusive)</i>	<i>Column 5 Method of fishing for species of sea fish excepted from prohibition</i>	<i>Column 6 Period of exception (all dates inclusive)</i>
3.	<i>Ballantrae Bank</i> , being the area of waters bounded by a line drawn from a point on the mainland at 55°04'.9 North latitude and 5°01'.6 West longitude (Downan Point) to a point at 55°04'.9 North latitude and 5°06' West longitude; thence to a point at 55°9'.04 North latitude and 5°06' West longitude; and thence to a point on the mainland at 55°08'.3 North latitude and 4°59'.7 West longitude (Bennane Head).	1st February to 30th April in each year.			
4.	<i>The Gare Loch</i> , within a straight line drawn from a point on the mainland at 55°59'.26 North latitude and 4°46'.01 West longitude (Rosneath Point) to a point on the mainland at 55°58'.31 North latitude and 4°42'.25 West longitude (Ardmore Head).	1st January to 31st December in each year.			
5.	<i>Firth of Clyde</i> , being the area within a straight line drawn from a point on the mainland at 55°17'.9 North latitude and 05°47'.8 West longitude (Mull of Kintyre) to a point on the mainland at 55°00'.5 North latitude and 05°09'.4 West longitude (Corsewall Point).	From midnight on Friday until midnight on Sunday from 1st January to 31st December in each year.			

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of use of mobile or active gear (all dates inclusive)</i>	<i>Column 4 Additional period of prohibition of suction dredging (all dates inclusive)</i>	<i>Column 5 Method of fishing for species of sea fish excepted from prohibition</i>	<i>Column 6 Period of exception (all dates inclusive)</i>
6.	<i>Loch Sween</i> , being the area within a line drawn from a point on the mainland at 55°56'.91 North latitude and 5°42'.82 West longitude (Rubha na Cille) to a point at 55°56'.28 North latitude and 5°43'.08 West longitude (Keills Rock); thence to a point at 55°55'.97 North latitude and 5°42'.73 West longitude (Dana Rock); thence to a point at 55°55'.13 North latitude and 5°41'.25 West longitude (Elean Puirt Leithe); and thence to a point on the mainland at 55°54'.99 North latitude and 5°41'.11 West longitude (Port Liath).		1st January to 31st December in each year.		

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of use of mobile or active gear (all dates inclusive)</i>	<i>Column 4 Additional period of prohibition of suction dredging (all dates inclusive)</i>	<i>Column 5 Method of fishing for species of sea fish excepted from prohibition</i>	<i>Column 6 Period of exception (all dates inclusive)</i>
7.	<p><i>Loch Torridon and the Northern Inner Sound, being the area of waters within a straight line drawn from a point on the mainland south of Redpoint at 57°38' North latitude and 05°46'.4 West longitude to a point at 57°38' North latitude and 05°58' West longitude; thence in a southerly direction to a point at 57°35' North latitude and 05°58'.5 West longitude (Sgeir Shuas); thence in a straight easterly direction to a point on the northern tip of Rona at 57°35' North latitude and 5°58'.35 West longitude; thence along the eastern coast of Rona and Raasay to a point on the eastern coast of Raasay at 57°24'.2 North latitude and 06°01'.13 West longitude; thence in an easterly direction to a point in the Inner Sound at 57°24'.2 North latitude and 05°55'.6 West longitude; thence in a north to north easterly direction to a point in the Inner Sound at 57°28'.25 North latitude and 05°52'.48 West longitude; and thence in a straight easterly direction to a point on the mainland at 57°28'.25 North latitude and 05°52'.22 West longitude.</i></p>	<p>1st January to 31st December in each year.</p>		<p>Dredging (but not suction dredging) for scallops in the area of waters within a straight line drawn from a point on the mainland at 57°34'.8 North latitude and 05°50' West longitude (Rudha na Fearn) to a point in Loch Torridon at 57°37'.5 North latitude and 05°50' West longitude; thence in a south to south westerly direction to a point in the Inner Sound at 57°30' North latitude and 05°54'.5 West longitude and thence in an easterly direction to a point on the mainland at 57°30' North latitude and 05°52'.05 West longitude.</p>	<p>1st April to 30th September in each year</p>

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of use of mobile or active gear (all dates inclusive)</i>	<i>Column 4 Additional period of prohibition of suction dredging (all dates inclusive)</i>	<i>Column 5 Method of fishing for species of sea fish excepted from prohibition</i>	<i>Column 6 Period of exception (all dates inclusive)</i>
8.	<i>The Southern Inner Sound including Lochs Carron, Kishorn, Duich, Alsh and Hourn, being the area of waters bounded by a line drawn from a point on the mainland at 57°28'.25 North latitude and 05°52'.22 West longitude; thence in a straight westerly direction to a point in the Inner Sound at 57°28'.25 North latitude and 05°52'.48 West longitude; thence in a south to south westerly direction to a point in the Inner Sound at 57°24'.20 North latitude and 05°55'.60 West longitude; thence in a straight westerly direction to a point on the eastern coast of Raasay at 57°24'.2 North latitude and 06°01'.13 West longitude; thence along the eastern coast of Raasay to a point at 57°19'.72 North latitude and 06°03' West longitude (Rudha na Cloiche); from there in a straight line to a point on Skye at 57°18'.7 North latitude and 06°03' West longitude; thence along the eastern coast of Skye to a point at 57°08'.6 North latitude and 05°46'.8 West longitude (Ornsay Lighthouse); from there in a straight line to a point on the mainland at 57°07'.1 North latitude and 05°43'.25 West longitude (Rubha ard Slisneach).</i>	(a) 1st January to 31st March and 1st October to 31st December in each year; (b) 1st January to 31st December in each year in respect of fishing with a demersal trawler with a registered length greater than 12 metres or fishing with any trawl other than a single trawl.	1st April to 30th September in each year.		

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of use of mobile or active gear (all dates inclusive)</i>	<i>Column 4 Additional period of prohibition of suction dredging (all dates inclusive)</i>	<i>Column 5 Method of fishing for species of sea fish excepted from prohibition</i>	<i>Column 6 Period of exception (all dates inclusive)</i>
9.	<i>Loch Gairloch</i> , within a straight line drawn from a point on the mainland at 57°44'.7 North latitude and 5°47'.3 West longitude (Big Sand) to a point on Longa Island at 57°44'.25 North latitude and 05°47'.3 West longitude; thence along the north and west shores of Longa Island to a point on Eag Mhor at 57°43'.83 North latitude; and 05°49'.27 West longitude; from there in a straight line to a point on the mainland at 57°39'.05 North latitude and 05°48'.9 West longitude (Red Point).	1st January to 31st December in each year.			
10.	<i>Little Loch Broom and Gruinard Bay</i> , within a straight line drawn from a point on the mainland at 57°55'.96 North latitude and 05°24' West longitude (in the vicinity of Cailleach Head Lighthouse) to a point on the mainland at 57°55'.12 North latitude and 05°33'.7 West longitude (Rubha Beag).	1st January to 31st March and 1st October to 31st December in each year.	1st April to 30th September in each year.		

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of use of mobile or active gear (all dates inclusive)</i>	<i>Column 4 Additional period of prohibition of suction dredging (all dates inclusive)</i>	<i>Column 5 Method of fishing for species of sea fish excepted from prohibition</i>	<i>Column 6 Period of exception (all dates inclusive)</i>
11.	<i>Enard Bay</i> , within a straight line drawn from a point on the mainland at 58°09'.35 North latitude and 05°18'.5 West longitude (Rubha Rodha) to a point on the mainland at 58°06'.36 North latitude and 05°26' West longitude (Rubha Coigeach).	1st January to 31st March and 1st October to 31st December in each year.	1st April to 30th September in each year.		
12.	<i>Eddrachilis Bay</i> , within a straight line drawn from a point on the mainland at 58°20'.44 North latitude and 05°10'.5 West longitude (Rubha Aird an-t-Sionnaich) to a point on Oldany Island at 58°16'.15 North latitude and 05°15'.65 West longitude.	1st January to 31st March and 1st October to 31st December in each year.	1st April to 30th September in each year.		
13.	<i>Loch Laxford</i> , within a straight line drawn from a point on the mainland at 58°25'.7 North latitude and 05°06'.9 West longitude (Dughail Point) to a point on the mainland at 58°24'.7 North latitude and 05°08'.7 West longitude (Rudha Ruadh).	1st January to 31st March and 1st October to 31st December in each year.	1st April to 30th September in each year.		

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of use of mobile or active gear (all dates inclusive)</i>	<i>Column 4 Additional period of prohibition of suction dredging (all dates inclusive)</i>	<i>Column 5 Method of fishing for species of sea fish excepted from prohibition</i>	<i>Column 6 Period of exception (all dates inclusive)</i>
14.	<i>Stuley Island to Barra Head and Gurney Point, being the area of waters bounded on the east by a line from a point on Stuley Island at 57°11'.5 North latitude and 07°14'.4 West longitude to a point at 57°11'.5 North latitude and 07°11'.8 West longitude, and then joining the following points:-57°06'.5 North latitude and 07°10'.5 West longitude, 57°00'.9 North latitude and 07°16'.9 West longitude, 56°54'.4 North latitude and 07°24'.5 West longitude, 56°50'.5 North latitude and 7°31'.2 West longitude, 56°45'.9 North latitude and 07°35'.1 West longitude, 56°45'.6 North latitude and 07°38'.4 West longitude, 56°46'.3 North latitude and 07°40'.8 West longitude, thence to a point on Mingulay at 56°49'.35 North latitude and 07°39'.4 West longitude (Guarsay Mor), thence in a straight line to a point on Barra at 57°00'.8 North latitude and 07°31'.65 West longitude (Greian Head) and thence to a point on South Uist at 57°06'.85 North latitude and 07°23'.45 West longitude (Gurney Point).</i>	1st March to 31st October in each year.	1st January to last day of February and 1st November to 31st December in each year.	(a) Any method of fishing for sandeels; (b) dredging (but not suction dredging) for scallops.	(a) 1st March to 31st October in each year; (b) 1st May to 24th August in each year.

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of use of mobile or active gear (all dates inclusive)</i>	<i>Column 4 Additional period of prohibition of suction dredging (all dates inclusive)</i>	<i>Column 5 Method of fishing for species of sea fish excepted from prohibition</i>	<i>Column 6 Period of exception (all dates inclusive)</i>
15.	<i>Loch Maddy to Stuley Island, being the area of waters bounded by a line joining a point on North Uist at 57°34'.7 North latitude and 07°06'.8 West longitude, to a point at 57°34'.7 North latitude and 07°05'.2 West longitude then to the following points:- 57°23'.8 North latitude and 07°09' West longitude, 57°17' North latitude and 07°09'.6 West longitude, 57°14'.5 North latitude and 07°12'.6 West longitude, 57°11'.5 North latitude and 07°11'.8 West longitude, thence to a point on Stuley Island at 57°11'.5 North latitude and 07°14'.4 West longitude.</i>	1st March to 31st October in each year.	1st January to last day of February and 1st November to 31st December in each year.	Dredging (but not suction dredging) for scallops.	1st May to 24th August in each year.

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of use of mobile or active gear (all dates inclusive)</i>	<i>Column 4 Additional period of prohibition of suction dredging (all dates inclusive)</i>	<i>Column 5 Method of fishing for species of sea fish excepted from prohibition</i>	<i>Column 6 Period of exception (all dates inclusive)</i>
16.	<i>Sound of Harris</i> , being the area of waters bounded on the east coast by a straight line drawn from a point on Harris at 57°43'.7 North latitude and 6°58' West longitude (Rhenish Point) to a point on Hermetray Island at 57°39' North latitude and 7°02'.6 West longitude (Big Reef) to a point on North Uist at 57°38'.4 North latitude and 7°03'.8 West longitude (Leac no Hoe), and on the west coast by a line from a point on Harris at 57°59'.5 North latitude and 07°06'.8 West longitude (Hushinish Point) to a point on North Uist at 57°39'.5 North latitude and 7°29'.5 West longitude (Griminish Point.)	1st March to 30th September in each year.	1st January to last day of February and 1st October to 31st December in each year.	Dredging (but not suction dredging) for scallops.	1st March to 30th September in each year.
17.	<i>Broad Bay</i> , within a straight line drawn from a point on Lewis at 58°20'.6 North latitude and 06°09'.6 West longitude (Tolsta Head) to a point at 58°15'.7 North latitude and 06°08'.2 West longitude (Tiumpan Head).	1st January to 31st December in each year.			

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of use of mobile or active gear (all dates inclusive)</i>	<i>Column 4 Additional period of prohibition of suction dredging (all dates inclusive)</i>	<i>Column 5 Method of fishing for species of sea fish excepted from prohibition</i>	<i>Column 6 Period of exception (all dates inclusive)</i>
18.	<i>Loch Roag</i> , within a straight line drawn from a point on Lewis at 58°14'.75 North latitude and 07°01'.5 West longitude (Gallan Head) to a point on Old Hill at 58°17' North latitude and 06°55'.5 West longitude; thence to a point at 58°18'.25 North latitude and 06°48' West longitude (Tiumpan).	1st January to 31st December in each year.			
19.	<i>Gallan Head to Aird Barvas</i> , being the area of waters bounded by a line joining the following points:- from 58°14'.75 North latitude and 07°01'.5 West longitude (Gallan Head), thence to 58°15'.5 North latitude and 07°03' West longitude, 58°18' North latitude and 06°56'.5 West longitude, 58°24'.1 North latitude and 06°33' West longitude and thence to a point on Lewis at 58°23'.25 North latitude and 06°31'.5 West longitude (Aird Barvas).		1st January to 31st December in each year.		

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of use of mobile or active gear (all dates inclusive)</i>	<i>Column 4 Additional period of prohibition of suction dredging (all dates inclusive)</i>	<i>Column 5 Method of fishing for species of sea fish excepted from prohibition</i>	<i>Column 6 Period of exception (all dates inclusive)</i>
20.	<i>Thurso and Dunnet Bay</i> , within a straight line drawn from a point on the mainland at 58°37'.4 North latitude and 03°32' West longitude (Holborn Head) to a point at 58°40'.3 North latitude and 03°22'.5 West longitude (Dunnet Head).	1st January to 31st December in each year.			
21.	<i>Sinclair Bay</i> , being the area of water within a line drawn from a point on the mainland at 58°38'.65 North latitude and 03°01'.4 West longitude (Duncansby Head Lighthouse), to a point at 58°38'.65 North latitude and 03°00' West longitude, thence to a point at 58°28'.75 North latitude and 03°00' West longitude and thence to a point on the mainland at 58°28'.75 North latitude and 03°03' West longitude (Noss Head Lighthouse).	1st January to 31st December in each year.			

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of use of mobile or active gear (all dates inclusive)</i>	<i>Column 4 Additional period of prohibition of suction dredging (all dates inclusive)</i>	<i>Column 5 Method of fishing for species of sea fish excepted from prohibition</i>	<i>Column 6 Period of exception (all dates inclusive)</i>
22.	<i>The Berry to Costa Head</i> , being the area of waters within 2 miles of the mean high-water mark of ordinary spring tides on the coasts of Hoy and Orkney mainland bounded at the southern end by a line drawn from a point on Hoy at 58°48' North latitude and 3°19'.3 West longitude (The Berry) at a bearing of 270° true, and at the northern end by a point on Orkney mainland at 59°09'.25 North latitude and 03°12'.8 West longitude (Costa Head) at a bearing of 360° true, excepting an area of waters in Rackwick Bay bounded to the south by a line drawn from a point on Hoy at 59°50'.85 North latitude and 03°22'.5 West longitude (Santoo Head) at a bearing of 235° true, and to the north by a line drawn from a point on Hoy at 59°52'.35 North latitude and 03°26' West longitude (Rora Head) at a bearing of 270° true.	1st May to 30th September in each year.			
23.	<i>Dornoch Firth</i> , within a straight line drawn from a point on the mainland at 57°51'.7 North latitude and 04°00'.6 West longitude (Dornoch Point) to a point at 57°50'.75 North latitude and 03°57'.6 West longitude (Rubh'na n-innse Moire).	1st January to 31st December in each year.		Dredging (but not suction dredging) for mussels.	1st January to 31st December in each year.

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of use of mobile or active gear (all dates inclusive)</i>	<i>Column 4 Additional period of prohibition of suction dredging (all dates inclusive)</i>	<i>Column 5 Method of fishing for species of sea fish excepted from prohibition</i>	<i>Column 6 Period of exception (all dates inclusive)</i>
24.	<i>Cromarty Firth</i> , within a straight line drawn from a point on the mainland at 57°40'.68 North latitude and 03°59'.5 West longitude (South Sutor Stack) to a point at 57°41'.53 North latitude and 03°59'.5 West longitude (North Sutor).	1st January to 31st December in each year.		Dredging (but not suction dredging) for cockles and mussels.	1st January to 31st December in each year.
25.	<i>Inverness Firth</i> , within a straight line drawn from a point on the mainland at 57°34'.46 North latitude and 04°05'.4 West longitude (Chanonry Point) to a point at 57°35' North latitude and 04°04'.5 West longitude (Near Fort George).	1st January to 31st December in each year.		Dredging (but not suction dredging) for cockles and mussels.	1st January to 31st December in each year.
26.	<i>Aberdeen to Mons Craig</i> , being the area of waters within one half mile of the mean high-water mark of ordinary spring tides on the mainland coast bounded at the northern end by a line drawn from a point on the mainland at 57°08'.38 North latitude and 02°02'.8 West longitude (Girdleness Lighthouse) at a bearing of 90° true, and at the southern end by a line drawn from a point on the mainland at 56°56'.1 North latitude and 02°11'.8 West longitude (Mons Craig) at a bearing of 135° true.	1st January to 31st March and 1st October to 31st December in each year.			

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of use of mobile or active gear (all dates inclusive)</i>	<i>Column 4 Additional period of prohibition of suction dredging (all dates inclusive)</i>	<i>Column 5 Method of fishing for species of sea fish excepted from prohibition</i>	<i>Column 6 Period of exception (all dates inclusive)</i>
27.	<i>Mons Craig to Doolie Ness, being the area of waters within two miles of the mean high-water mark of ordinary spring tides on the mainland coast bounded at the northern end by a line drawn from a point on the mainland at 56°56'.1 North latitude and 02°11'.8 West longitude (Mons Craig) at a bearing of 135° true, and at the southern end by a line drawn from a point on the mainland at 56°49'.7 North latitude and 02°17'.1 West longitude (Doolie Ness) at a bearing of 90° true.</i>	1st January to 31st December in each year.			

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of use of mobile or active gear (all dates inclusive)</i>	<i>Column 4 Additional period of prohibition of suction dredging (all dates inclusive)</i>	<i>Column 5 Method of fishing for species of sea fish excepted from prohibition</i>	<i>Column 6 Period of exception (all dates inclusive)</i>
28.	<p><i>Doolie Ness to Lang Craig</i>, being the areas of waters within</p> <p>(a) one mile and</p> <p>(b) one half mile</p> <p>of the mean high water mark of ordinary spring tides on the mainland coast, bounded at the northern end by a line drawn from a point on the mainland at 56°49'.7 North latitude and 02°17'.1 West longitude (<i>Doolie Ness</i>) at a bearing of 90° true, and at the southern end by a line drawn from a point on the mainland at 56°37'.7 North latitude and 02°28'.62 West longitude (<i>Lang Craig</i>) at a bearing of 90° true but excluding therefrom that area known as <i>Montrose Basin</i>, and that part of the course of the <i>River South Esk</i>, lying to the west of the 2°28' West line of longitude.</p>	<p>In respect of the area of waters</p> <p>(a) within one mile of the mean high water mark of ordinary spring tides, 1st January to 31st March and 1st October to 31st December in each year; and</p> <p>(b) within one half mile of the mean high-water mark of ordinary spring tides, 1st April to 30th September in each year.</p>			

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of use of mobile or active gear (all dates inclusive)</i>	<i>Column 4 Additional period of prohibition of suction dredging (all dates inclusive)</i>	<i>Column 5 Method of fishing for species of sea fish excepted from prohibition</i>	<i>Column 6 Period of exception (all dates inclusive)</i>
29.	<i>Lang Craig to Arbroath</i> , being the area of waters within two miles of the mean high-water mark of ordinary spring tides on the mainland coast bounded at the northern end by a point on the mainland at 56°37'.7 North latitude and 02°28'.62 West longitude (Lang Craig) at a bearing of 90° true, and at the southern end by a line drawn from a point at 56°33'.25 North latitude and 02°34'.9 West longitude (Arbroath) at a bearing of 135° true.	1st January to 31st December in each year.			
30.	<i>St Andrews Bay</i> , within a straight line drawn from a point on the mainland at 56°27'.8 North latitude and 02°44' West longitude (Buddon Ness) to a point on the mainland at 56°16'.7 North latitude and 02°35'.1 West longitude (Fife Ness).	1st January to 31st December in each year.			

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of use of mobile or active gear (all dates inclusive)</i>	<i>Column 4 Additional period of prohibition of suction dredging (all dates inclusive)</i>	<i>Column 5 Method of fishing for species of sea fish excepted from prohibition</i>	<i>Column 6 Period of exception (all dates inclusive)</i>
31.	<i>St. Abbs-Eyemouth Area</i> , being the area of waters within one mile of the mean high-water mark of ordinary spring tides on the mainland coast bounded at the northern end by a line drawn from a point on the mainland at 55°55' North latitude and 02°08' .2 West longitude (St Abbs Head) at a bearing of 360° true, and at the southern end by a line drawn from a point on the mainland at 55°48' .67 North latitude and 02°02' West longitude (the Border) at a bearing of 055° true.	1st January to 31st December in each year.			

SCHEDULE 2

Articles 2(3) and 5

PROHIBITION OF FISHING FOR SEA FISH WITH CREELS

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of fishing with creels (all dates inclusive)</i>	<i>Column 4 Fishing boats excepted from prohibition</i>
1.	<i>The Flannan Isles</i> , being the area within 6 miles of the mean high-water mark of ordinary spring tides.	1st January to 31st March and 1st to 31st December in each year.	
2.	<i>Bragar to Dell</i> , being the area within 2 miles of the mean high-water mark of ordinary spring tides, bounded at the northern end by a line drawn from a point on Lewis at 58°28'.75 North latitude and 6°19'.8 West longitude (Aird Dell) at a bearing of 315° true, and at the southern end by a line drawn from a point on Lewis at 58°21'.3 North latitude and 6°38'.95 West longitude (Aird Mhor Braghair) at a bearing of 315° true.	1st July to 30th September in each year.	

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of fishing with creels (all dates inclusive)</i>	<i>Column 4 Fishing boats excepted from prohibition</i>
3.	<p><i>North of Rona</i>, being the sea area within a straight line drawn from a point at 57°44' North latitude and 06°03' West longitude to a point west of Longa Island at 57°44' North latitude and 05°52' West longitude; thence in a straight southerly direction to a point at 57°40' North latitude and 5°52' West longitude; thence in a straight westerly direction to a point at 57°40' North latitude and 05°57'.6 West longitude; thence in a southerly direction to a point at 57°35' North latitude and 5°58'.5 West longitude (Sgeir Shuas); thence in a straight westerly direction to a point at 57°35' North latitude and 06°03' West longitude and thence in a straight northerly direction to the point of beginning.</p>	1st January to 31st December in each year.	

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of fishing with creels (all dates inclusive)</i>	<i>Column 4 Fishing boats excepted from prohibition</i>
4.	<p><i>Northern Barra, South Uist, Benbecula, North Uist and Harris</i>, being the area within the following boundaries: from a point on the west of Barra at 57° North latitude and 07°30'.9 West longitude travelling in a westerly direction at a bearing of 270° true to the point of the limit of 6 miles from the baseline from which the breadth of the territorial sea is measured (the southern boundary); from 57° North latitude and 07°30'.9 West longitude northwards along the west coast of Barra to a point at 57°03'.5 North latitude and 07°27'.3 West longitude and then in a straight northerly line to 57°07'.9 North latitude and 07°24'.6 West longitude then in a northerly direction along the west coast of South Uist, Benbecula and North Uist to a point at 57°39'.5 North latitude and 07°29'.5 West longitude then in a straight north easterly line to a point on the Island of Pabbay at 57°46'.2 North latitude and 07°15'.9 West longitude then northwards along the north west coast of that Island to a point at 57°47' North latitude and 07°14'.35 West longitude then in a straight north easterly line to a point at 57°50'.25 North latitude and 07°07'.95 West longitude then northwards along the west coast of Harris to a point at 58° North latitude and 07°05'.5 West longitude (the eastern boundary); from Harris Shore at 58° North latitude and 07°05'.5 West longitude travelling in a westerly direction at a bearing of 270° true to the point of the limit of 6 miles from the baseline from which the breadth of the territorial sea is measured (the northern boundary); from the most westerly point on that boundary described above and referred to as the northern boundary travelling in a southerly direction, maintaining a distance of 6 miles from the baseline from which the breadth of the territorial sea is measured, until joining the most westerly point on that boundary described above and referred to as the southern boundary (the western boundary).</p>	<p>1st January to 31st March in each year and 1st November to 31st December in each year.</p>	

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of fishing with creels (all dates inclusive)</i>	<i>Column 4 Fishing boats excepted from prohibition</i>
5.	<i>Luce Bay</i> , being the area bounded by a straight line drawn from a point on the mainland at 54°38'.05 North latitude and 04°51'.3 West longitude (Mull of Galloway) to a point on the mainland at 54°40'.6 North latitude and 04°23'.45 West longitude (Burrow Head).	1st January to 31st December in each year.	Fishing boats of a registered length of 12 metres and less.
6.	<i>Wigtown Bay</i> , being the area bounded by a straight line drawn from a point on the mainland at 54°40'.66 North latitude and 04°23'.62 West longitude (Burrow Head) and 54°46'.28 North latitude and 03°57'.91 West longitude (Abbey Head).	1st January to 31st December in each year.	Fishing boats of a registered length of 12 metres and less.

SCHEDULE 3

Articles 2(3), 7 and 8

GENERAL PROHIBITION OF FISHING IN SPECIFIED AREAS

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of fishing (all dates inclusive)</i>	<i>Column 4 Method of fishing for species of sea fish excepted from prohibition</i>	<i>Column 5 Period of exception (all dates inclusive)</i>
1.	<i>Firth of Clyde</i> , being the area within a straight line drawn from a point on the mainland at 55°17'.9 North latitude and 05°47'.8 West longitude (Mull of Kintyre) to a point on the mainland at 55°00'.5 North latitude and 05°09'.4 West longitude (Corsewall Point).	1st January to 31st December in each year.	Subject to any other prohibition imposed by this Order— (a) any method of fishing for herring, mackerel and sprats; (b) fishing for any species of sea fish (except herring, mackerel and sprats) from a fishing boat with an overall length not greater than 21.34 metres.	1st January to 31st December in each year.

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of fishing (all dates inclusive)</i>	<i>Column 4 Method of fishing for species of sea fish excepted from prohibition</i>	<i>Column 5 Period of exception (all dates inclusive)</i>
2.	<i>Firth of Forth</i> , being the area within a straight line drawn from a point on the mainland at 56°16'.75 North latitude and 02°35'.2 West longitude (Fife Ness Lighthouse) to a point on the Isle of May at 56°11'.6 North latitude and 02°33'.8 West longitude (North Ness), thence along the east coast of the Isle of May to a point on the Isle of May at 56°10'.85 North latitude and 02°32'.6 West longitude (South Ness) and thence to a point on the mainland at 56°03'.4 North latitude and 02°38'.8 West longitude (Tantallon Castle).	1st January to 31st December in each year.	(a) Any method of fishing for herring, mackerel and sprats. (b) Fishing for any species of sea fish (except herring, mackerel and sprats) from a fishing boat with an overall length not greater than 16.77 metres.	1st January to 31st December in each year.

SCHEDULE 4

Article 12 (1)

REVOCATIONS

<i>Orders revoked</i>	<i>References</i>
The Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 1989	S.I. 1989/2307
The Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Amendment Order 1994	S.I. 1994/326
The Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Amendment Order 1996	S.I. 1996/1475
The Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Amendment Order 1999	S.I. 1999/751
The Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Amendment Order 2001	S.S.I. 2001/174
The Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Amendment Order 2003	S.S.I. 2003/404
The Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Amendment (No. 2) Order 2003	S.S.I. 2003/514

EXPLANATORY NOTE

(This note is not part of the Order)

This Order consolidates the Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 1989 with amendments.

The Order makes some minor drafting amendments to the definition of “parlour creel” and introduces a definition of the word “creel” (article 2 (1)).

It also introduces a prohibition on fishing boats greater than 12 metres in length from fishing with creels in Luce Bay and Wigtown Bay (article 5 and Schedule 2).

The Order also—

- (a) prohibits fishing for such sea fish with mobile or active gear (including a suction dredge), subject to specified exceptions, in specified areas at certain times of the year (articles 3 and 4 and Schedule 1);
- (b) prohibits fishing with creels in specified areas at specified times of the year subject to specified exceptions (article 5 and Schedule 2);
- (c) prohibits fishing for sea fish within Scottish inshore waters by parlour creel with a mesh size smaller than 60 millimetres (article 6);
- (d) prohibits in relation to the Firths of Clyde and Forth fishing for any such sea fish other than herring, mackerel and sprats by fishing boats exceeding 21.34 metres in length in the Firth of Clyde and 16.77 metres in length in the Firth of Forth throughout the year (articles 7 and 8 and Schedule 3); and
- (e) prohibits fishing for lobsters within Scottish inshore waters, with the exception of lobsters of a specified size (article 9);
- (f) prohibits fishing for shrimps by beam or other trawl within that part of the Solway Firth specified except where the beam (or beams) or the headline used for such fishing measures 6 metres or less in length (article 10).

There is an exception from the prohibitions where fishing for sea fish is conducted for the purpose of scientific investigation (article 11).

Contravention of the Order is an offence under section 4 of the Inshore Fishing (Scotland) Act 1984.

The Order revokes the Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 1989, together with the amending Orders specified in Schedule 4, subject to a saving (article 12.)

A Regulatory Impact Assessment relating to the Order is available from The Scottish Executive Environment and Rural Affairs Department, Sea Fisheries Division, Room 510 Pentland House, 47 Robb’s Loan, Edinburgh EH14 1TY.