
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 435

The Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 2015

Citation and commencement

1. This Order may be cited as the Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 2015 and comes into force on 8th February 2016.

Interpretation

2. In this Order—

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

“boundary line” means a boundary delineated by a line as described in any of Schedules 1 to 13;

“co-ordinate” means a co-ordinate of latitude and longitude according to the World Geodetic System 1984 Datum⁽¹⁾;

“creel” means a basket, small 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;

“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 and sea fish from the seabed by the use of a solids pump, air lift or water jets which dig into the seabed;

“fishing gear” means a beam trawl, demersal seine net, demersal trawl, dredge, handline, passive gear, pelagic trawl, rod and line, or any other device used for fishing purposes, and any rope or wire associated with the gear;

“handline” means a single fishing line which is held in a person’s hand;

“horse mussel” means horse mussel of the species *Modiolus modiolus*;

“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;

(1) 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/wgs84fin.pdf>).

- (b) drifting gillnets and drifting trammel nets, any of which may be equipped with anchoring, floating or navigational gear;
 - (c) long lines and lines; and
 - (d) creels and parlour creels;
- “pelagic trawl” means any trawl or encircling net which has no contact with the seabed during a fishing operation; and
- “set net” means—
- (a) a gillnet, trammel net or trap net; or
 - (b) a drifting gillnet or drifting trammel net, either of which may be equipped with anchoring, floating or navigational fishing gear.

Prohibited methods of fishing in the East Mingulay Protected Area

3.—(1) Fishing for sea fish with a dredge, beam trawl, demersal seine net or demersal trawl is prohibited in the East Mingulay Protected Area.

(2) Subject to paragraph (3), fishing for sea fish with any fishing gear is prohibited in the Inner East Mingulay Protected Area.

(3) The prohibition in paragraph (2) does not apply to fishing for sea fish with a pelagic trawl.

(4) In this article—

“East Mingulay Protected Area” means the area described in Part 1 of Schedule 1; and

“Inner East Mingulay Protected Area” means the area described in Part 2 of Schedule 1.

Prohibited fishing and prohibited methods of fishing in the Loch Creran Protected Area

4.—(1) Subject to paragraphs (3) and (4), fishing for sea fish with any fishing gear is prohibited in the Loch Creran Protected Area.

(2) Fishing for horse mussels is prohibited in the Loch Creran Protected Area.

(3) The prohibition in paragraph (1) does not apply to fishing for sea fish with a rod and line or a handline.

(4) The prohibition in paragraph (1) does not apply to fishing for sea fish with a creel or parlour creel in—

(a) the Loch Creran First Creel Fishing Excepted Area; or

(b) the Loch Creran Second Creel Fishing Excepted Area.

(5) In this article—

“Loch Creran Protected Area” means the area described in Part 1 of Schedule 2;

“Loch Creran First Creel Fishing Excepted Area” means the area described in Part 2 of Schedule 2; and

“Loch Creran Second Creel Fishing Excepted Area” means the area described in Part 3 of Schedule 2.

Prohibited methods of fishing in the Loch Laxford Protected Area

5.—(1) Fishing for sea fish with a dredge, beam trawl, demersal trawl or demersal seine net is prohibited in the Loch Laxford Protected Area.

(2) In this article, “Loch Laxford Protected Area” means the area described in Schedule 3.

Prohibited methods of fishing in the Loch Sween Protected Area

6.—(1) Subject to paragraphs (2) and (3), fishing for sea fish by hand or with a dredge, beam trawl, demersal seine net or demersal trawl is prohibited in the Loch Sween Protected Area.

(2) Subject to paragraph (3), the prohibition in paragraph (1) does not apply to fishing for sea fish in the Loch Sween Excepted Area—

(a) from a fishing boat with a gross tonnage of no more than 75 tonnes, with a demersal trawl or a mechanical dredge; or

(b) by hand.

(3) Fishing for sea fish with a mechanical dredge in the Loch Sween Excepted Area is prohibited at any time other than between 0700 hours and 2100 hours on Monday to Friday of each week.

(4) In this article—

“by hand”, in relation to sea fishing, means the catching or collection of sea fish without using any fishing gear;

“Loch Sween Protected Area” means the area described in Part 1 of Schedule 4; and

“Loch Sween Excepted Area” means the area described in Part 2 of Schedule 4.

Prohibited fishing and prohibited methods of fishing in the Loch Sunart Protected Area

7.—(1) Subject to paragraph (3), fishing for sea fish with a dredge, set net, long line, line, beam trawl, demersal trawl, demersal seine net, creel or parlour creel is prohibited in the Loch Sunart Protected Area.

(2) Fishing for horse mussels is prohibited in the Loch Sunart Protected Area.

(3) The prohibition in paragraph (1) does not apply to fishing for sea fish with a creel or parlour creel in the Loch Sunart Creel Fishing Excepted Area.

(4) In this article—

“Loch Sunart Protected Area” means the area described in Part 1 of Schedule 5; and

“Loch Sunart Creel Fishing Excepted Area” means the area described in Part 2 of Schedule 5.

Prohibited fishing and prohibited methods of fishing in the Southern Inner Sound Protected Area

8.—(1) Subject to paragraphs (2), (3) and (4), fishing for sea fish with a dredge, beam trawl, demersal trawl or demersal seine net is prohibited in the Southern Inner Sound Protected Area.

(2) Subject to paragraphs (3) and (4), the prohibition in paragraph (1) does not apply to fishing for sea fish with a mechanical dredge, beam trawl, demersal trawl or demersal seine net in the Southern Inner Sound Protected Area from 1st April to 30th September in each year (both dates inclusive).

(3) Paragraph (2) does not apply to fishing for sea fish in the Southern Inner Sound Protected Area—

(a) from a fishing boat with a registered length greater than 12 metres, with a demersal trawl;

(b) from a fishing boat, with any trawl other than a single trawl.

(4) Paragraph (2) does not apply to fishing for sea fish in the Lochs Duich, Long and Alsh Additional Protected Area.

(5) Fishing for horse mussels is prohibited in the Lochs Duich, Long and Alsh Additional Protected Area.

(6) In this article—

“Southern Inner Sound Protected Area” means the area described in Part 1 of Schedule 6;

“Lochs Duich, Long and Alsh Additional Protected Area” means the area described in Part 2 of Schedule 6; and

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

Prohibited fishing and prohibited methods of fishing in the Noss Head and Sinclair Bay Protected Area

9.—(1) Fishing for sea fish with a dredge, beam trawl, demersal trawl or demersal seine net is prohibited in the Noss Head and Sinclair Bay Protected Area.

(2) Fishing for horse mussels is prohibited in the Noss Head and Sinclair Bay Protected Area.

(3) In this article, “Noss Head and Sinclair Bay Protected Area” means the area described in Schedule 7.

Prohibited methods of fishing in the Sanday Protected Area

10.—(1) Fishing for sea fish with a dredge, beam trawl, demersal trawl, demersal seine net or set net is prohibited in the Sanday Protected Area.

(2) In this article, “Sanday Protected Area” means the area described in Schedule 8.

Prohibited methods of fishing in the St Kilda Protected Area

11.—(1) Fishing for sea fish with a dredge, beam trawl, demersal trawl, demersal seine net or set net is prohibited in the St Kilda Protected Area.

(2) In this article, “St Kilda Protected Area” means the area described in Schedule 9.

Prohibited methods of fishing in the Treshnish Isles Protected Area

12.—(1) Fishing for sea fish with a dredge, beam trawl, demersal trawl, demersal seine net or set net is prohibited in the Treshnish Isles Protected Area.

(2) In this article, “Treshnish Isles Protected Area” means the area described in Schedule 10.

Prohibited fishing and prohibited methods of fishing in the Upper Loch Fyne Protected Area

13.—(1) Subject to paragraph (2), fishing for sea fish with a dredge, beam trawl, demersal trawl or demersal seine net is prohibited in the Upper Loch Fyne Protected Area.

(2) The prohibition in paragraph (1) does not apply to fishing for sea fish from a fishing boat with a gross tonnage of no more than 75 tonnes, with a demersal trawl in the Upper Loch Fyne Excepted Area.

(3) Fishing for horse mussels is prohibited in the Upper Loch Fyne Protected Area.

(4) Fishing for sea fish with a creel, parlour creel, set net or long line is prohibited in the Upper Loch Fyne Additional Flame Shell Protected Area.

(5) In this article—

“Upper Loch Fyne Protected Area” means the area described in Part 1 of Schedule 11;

“Upper Loch Fyne Excepted Area” means the area described in Part 2 of Schedule 11; and

“Upper Loch Fyne Additional Flame Shell Protected Area” means the area described in Part 3 of Schedule 11.

Prohibited fishing and prohibited methods of fishing in the Loch Goil Protected Area

14.—(1) Subject to paragraph (2), fishing for sea fish with a dredge, beam trawl, demersal trawl or demersal seine net is prohibited in the Loch Goil Protected Area.

(2) The prohibition in paragraph (1) does not apply to fishing for sea fish from a fishing boat with a gross tonnage of no more than 75 tonnes, with a demersal trawl in the Loch Goil Excepted Area.

(3) Fishing for horse mussels is prohibited in the Loch Goil Protected Area.

(4) In this article—

“Loch Goil Protected Area” means the area described in Part 1 of Schedule 12; and

“Loch Goil Excepted Area” means the area described in Part 2 of Schedule 12.

Prohibited methods of fishing in the Wyre and Rousay Sounds Protected Area

15.—(1) Fishing for sea fish with a dredge, beam trawl, demersal trawl or demersal seine net is prohibited within the Wyre and Rousay Sounds Protected Area.

(2) In this article, “Wyre and Rousay Sounds Protected Area” means the area described in Schedule 13.

Revocations

16.—(1) The following provisions of the Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 2004⁽²⁾ are revoked—

- (a) the entry relating to Loch Sween, listed as item 6 in column 1 of Schedule 1;
- (b) the entry relating to the Southern Inner Sound including Lochs Carron, Kishorn, Duich, Alsh and Hourn, listed as item 8 in column 1 of Schedule 1;
- (c) the entry relating to Loch Laxford, listed as item 13 in column 1 of Schedule 1; and
- (d) the entry relating to Sinclair Bay, listed as item 21 in column 1 of Schedule 1.

(2) The Inshore Fishing (Prohibited Methods of Fishing) (Loch Creran) Order 2007⁽³⁾ is revoked.

St Andrew’s House, Edinburgh
16th December 2015

RICHARD LOCHHEAD
A member of the Scottish Government

⁽²⁾ S.S.I. 2004/276.
⁽³⁾ S.S.I. 2007/185.