
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. This Order prohibits, subject to certain exceptions, specified methods of fishing within an area in Luce Bay which has been designated as a Special Area of Conservation.

Article 3 and the Schedule prohibit fishing for sea fish with specified fishing gear – a dredge, beam trawl, demersal seine net or demersal trawl – throughout the whole year in the protected area. However, this prohibition is subject to an exception, the effect of which is to allow fishing for sea fish using a mechanical dredge in three excepted areas within the larger protected area, during the months of January, February, November and December in each year.

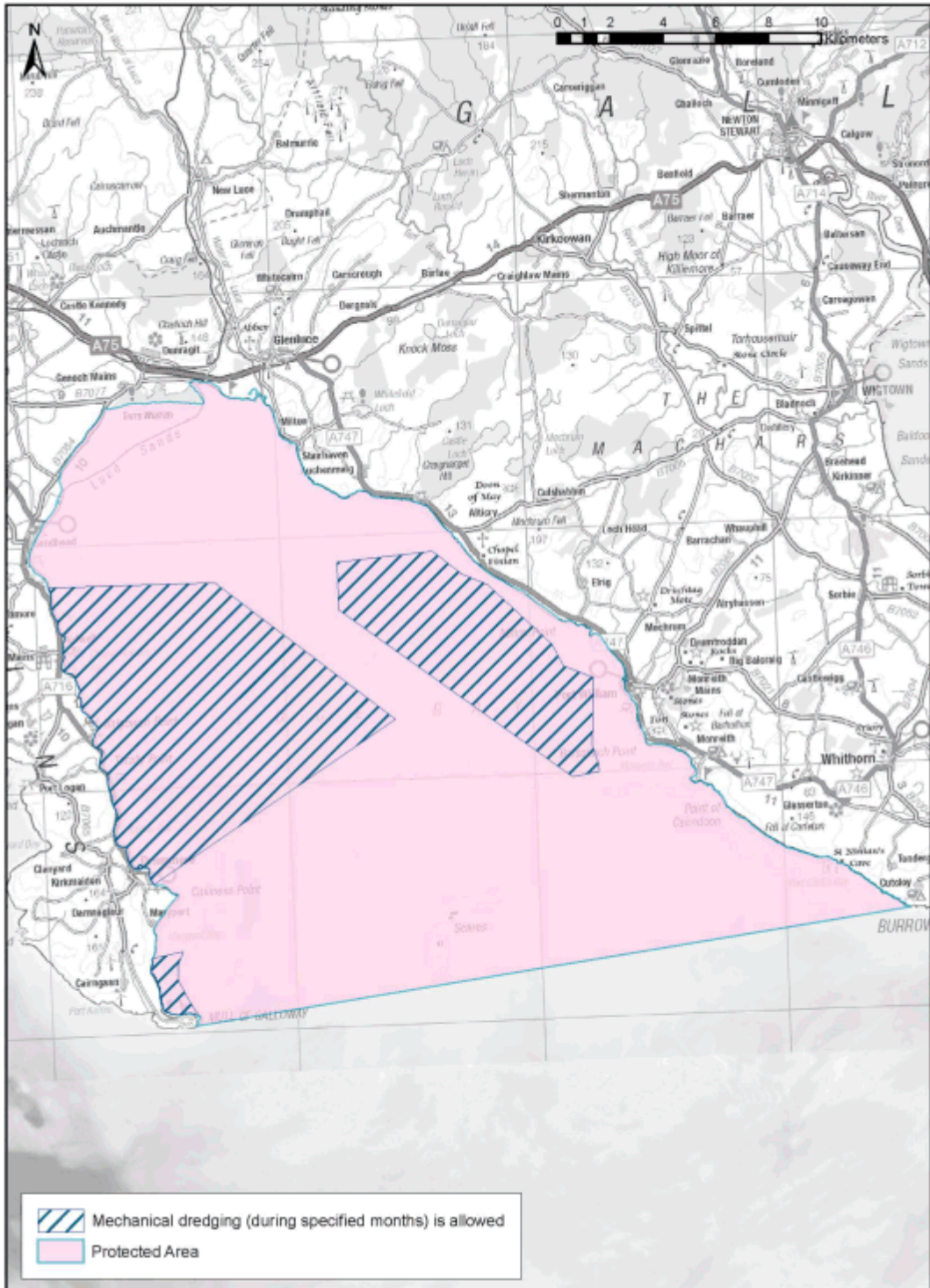
Article 4 revokes an entry in Schedule 1 to the Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 2004 (“the 2004 Order”) which imposed a seasonal prohibition on fishing for sea fish with specified fishing gear. That seasonal prohibition is being replaced by the prohibition and exception specified in this Order. Separate restrictions also apply in the protected area in relation to fishing for sea fish with creels (under Schedule 2 to the 2004 Order) and in relation to fishing for scallops during specified times of the year (under the Scallops (Irish Sea) (Prohibition of Fishing) (Variation) Order 1986 – [S.I. 1986/988](#)).

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

An illustrative map showing the Luce Bay protected area and the three excepted areas is 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.

Status: This is the original version (as it was originally made).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



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