
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 90

**The Loch Sunart to the Sound of Jura
Marine Conservation Order 2016**

Citation and commencement

1. This Order may be cited as the Loch Sunart to the Sound of Jura Marine Conservation Order 2016 and comes into force on 23rd March 2016.

Interpretation

2. In this Order—

“boundary line” means a boundary delineated by a line as described in Schedule 1 or 2;

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

“Firth of Lorn SAC” means that part of the protected area which is designated as a special area of conservation pursuant to regulation 8 of the Conservation (Natural Habitats, &c.) Regulations 1994 and described in Schedule 3;

“Loch Sunart to the Sound of Jura MPA” means that area designated as a nature conservation marine protected area by, and described in article 3 of, the Loch Sunart to the Sound of Jura Nature Conservation Marine Protected Area Order 2014(2); and

“the protected area” means the area described in article 3.

The protected area

3. For the purposes of this Order, the area protected by it is—

- (a) the seabed and subsoil; and
- (b) all of the water covering the seabed,

within the area enclosed by the boundary lines described in Schedule 1.

Prohibited and regulated activities

4.—(1) Paragraphs (2), (3) and (4)(b) apply in order to further the stated conservation objectives for the Loch Sunart to the Sound of Jura MPA in relation to common skate and to protect the Firth of Lorn SAC in respect of reefs.

(2) A person must not deploy (by any means) or use any fishing gear within the protected area.

(1) The World Geodetic System 1984 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>)

(2) The Loch Sunart to the Sound of Jura Nature Conservation Marine Protected Area Order 2014 (“the 2014 Order”) was made by the Scottish Ministers under powers within the Marine (Scotland) Act 2010, including section 67(1)(a). By virtue of section 165(3) of that Act the 2014 Order is not a Scottish statutory instrument but a Scottish Ministerial Order. The 2014 Order is available at <http://www.gov.scot/Resource/0045/00456493.pdf>

(3) While a fishing vessel is within the protected area the master of the vessel must ensure that any fishing gear carried on board the vessel is properly lashed and stowed in such a way that it may not be readily used.

(4) Subject to paragraph (5), paragraphs (2) and (3) do not apply to the deployment or use of—

- (a) any fishing gear within the protected area for the purpose of saving life, or for the purpose of securing the safety of a vessel, aircraft or marine structure; or
- (b) a mechanical dredge, or a demersal trawl (other than a beam trawl) but without the attachment and use of tickler chains, within those parts of the protected area which are described in Schedule 2.

(5) Paragraph (4)(b) has effect with regard to those parts of the protected area which are described in Parts 3 to 6 of Schedule 2 only during the following periods—

- (a) 1st January to 31st March; and
- (b) 1st October to 31st December,

each year.

(6) In this article—

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

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

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

“fishing gear” means any beam trawl, demersal seine net, demersal trawl, dredge, passive gear and any rope or wire associated with the gear;

“groundrope” means a weighted rope or wire which holds the bottom of the net mouth to the seabed;

“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;
- (b) drifting gillnets, and drifting trammel nets, any of which may be equipped with anchoring, floating or navigational gear; and
- (c) long lines and lines,

but excluding creels and parlour creels; and

“tickler chain” means a chain which is attached across the mouth of a trawl, and positioned in front of the groundrope, for the purpose of disturbing fish from the seabed causing them to rise and be caught by the net.

Authorisation for the purpose of scientific research

5.—(1) The Scottish Ministers may, following written application to them, issue a permit authorising the activity mentioned in paragraph (2) which would, apart from any such permit, be unlawful under this Order.

(2) The activity mentioned in this paragraph is the deployment or use of any fishing gear for the purpose of scientific research.

(3) The Scottish Ministers must not issue a permit unless they are satisfied that there is no significant risk of the activity hindering the achievement of the stated conservation objectives for the Loch Sunart to the Sound of Jura MPA.

(4) In this article, “fishing gear” has the same meaning as in article 4(6).

Disapplication of exception to the offences under sections 94 and 95 of the Marine (Scotland) Act 2010

6.—(1) Paragraph (b) of section 97(1) of the 2010 Act does not apply in relation to—

- (a) an offence under section 94 of the 2010 Act of contravening this Order;
- (b) an offence under section 95 of the 2010 Act in relation to the protected area.

(2) In this article “the 2010 Act” means the Marine (Scotland) Act 2010.

Revocation

7. The Inshore Fishing (Prohibited Methods of Fishing) (Firth of Lorn) (No. 2) Order 2007(3) is revoked.

St Andrew’s House,
Edinburgh
3rd February 2016

RICHARD LOCHHEAD
A member of the Scottish Government