
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 205

**The Loch Carron Urgent Marine
Conservation (No. 2) Order 2017**

Citation, commencement and duration in force

1.—(1) This Order may be cited as the Loch Carron Urgent Marine Conservation (No. 2) Order 2017 and comes into force on 15th June 2017.

(2) This Order remains in force until the end of 19th May 2018.

Interpretation

2. In this Order—

“the Loch Carron MPA” means the area designated as a nature conservation marine protected area by, and described in article 3 of, the Loch Carron Nature Conservation Marine Protected Area (No. 2) Order 2017(1); 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 Loch Carron MPA.

Prohibited and regulated activities

4.—(1) Paragraphs (2) and (3) apply in order to further the stated conservation objectives for the Loch Carron MPA.

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

(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) Paragraphs (2) and (3) do not apply to the deployment or use of 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.

(5) In this article—

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

(1) The 2017 Order was made by the Scottish Ministers under powers conferred by sections 67(1)(a), 68, 69 and 79(1) of the Marine (Scotland) Act 2010. By virtue of section 165(3) of that Act the 2017 Order is not a Scottish statutory instrument but a Scottish Ministerial Order.

“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, any other device used for fishing purposes, and any rope or wire associated with the gear but excluding—

- (a) passive gear;
- (b) a pelagic trawl;
- (c) a rod and line; and
- (d) a handline;

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

“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 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;
- (c) long lines and lines; and
- (d) creels and parlour creels,

and includes any rope or wire associated with the gear; and

“pelagic trawl” means any trawl or encircling net which has no contact with the seabed during a fishing operation, and includes any rope or wire associated with the gear.

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

5.—(1) Paragraph (b) of section 97(1) (exception to offence where act authorised by a public authority) 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 committed in relation to the protected area.

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

Revocation

6. The Loch Carron Urgent Marine Conservation Order 2017(2) is revoked.

St Andrew's House,
Edinburgh
14th June 2017

R CUNNINGHAM
A member of the Scottish Government