
EXPLANATORY NOTE

(This note is not part of the Order)

The South Arran Nature Conservation Marine Protected Area Order 2014 made under the Marine (Scotland) Act 2010 (“the 2010 Act”) designated that part of the Scottish marine area which is adjacent to south Arran as a nature conservation marine protected area (“MPA”). A range of marine habitats are protected features under the South Arran MPA, to include maerl beds.

This Order furthers the stated conservation objectives for the South Arran MPA insofar as they relate to maerl beds. It does so by specifying certain activities which are prohibited, and regulating the storage of fishing gear on fishing vessels, within those parts of the MPA which are described in the Order. Provision is made whereby activities carried out in those parts of the MPA for the purpose of saving life or for the purpose of securing the safety of a vessel, aircraft or marine structure are not prohibited under the Order.

The Order provides that the Scottish Ministers may issue permits authorising certain specified activities which would, apart from such permit, be unlawful under the Order. Provision is made under the Order for the procedure to apply in relation to the making of applications for permits and the determination of such applications.

A person who contravenes a marine conservation order under section 94(1) of the 2010 Act commits an offence. Section 95 of the 2010 Act provides that, subject to certain exceptions specified in that provision, a person who intentionally or recklessly does a prohibited act in a nature conservation MPA which significantly hinders, or may significantly hinder, the achievement of the stated conservation objectives for the MPA commits an offence. Section 97 of the 2010 Act provides further exceptions to the offence provisions whereby a person is not guilty of an offence in certain specified circumstances. This includes where a person has acted under an authorisation granted by a public authority. The Order provides that this particular exception does not apply in relation to activities carried out under such authorisation in those parts of the South Arran MPA where the Order applies.

A Business and Regulatory Impact Assessment (“BRIA”) was undertaken for the designation of the South Arran MPA. The impact of this Order falls between the lower and intermediate estimates made in that document. The BRIA can be found at <http://www.scotland.gov.uk/Resource/0045/00456466.pdf>

An illustrative map showing those parts of the South Arran MPA in respect of which the Order applies is attached to the Order.

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

