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## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Wester Ross 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 Wester Ross as a nature conservation marine protected area (“MPA”). A range of marine habitats and a low or limited mobility species are protected features under the Wester Ross MPA.

This Order furthers the stated conservation objectives for the Wester Ross MPA insofar as they relate to burrowed mud, circalittoral muddy sand communities, flame shell beds, kelp and seaweed communities on sublittoral sediment, maerl beds, maerl or coarse shell gravel with burrowing sea cucumbers and northern feather star aggregations on mixed substrata. It does so by prohibiting the deployment or use of dredges, and regulating the storage of dredges on fishing vessels, within the MPA (article 4(2) and (3)). Provision is made whereby the deployment or use of a dredge in the MPA for the purpose of saving life or for the purpose of securing the safety of a vessel, aircraft or marine structure is not prohibited under the Order (article 4(4)).

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 the Wester Ross MPA (article 5).

A Business and Regulatory Impact Assessment (“BRIA”) was undertaken for the designation of the Wester Ross MPA. The impact of this Order falls between the lower and intermediate estimates made in that document. Copies of the BRIA are available from Marine Scotland, Victoria Quay, Leith, Edinburgh, EH6 6QQ and on-line at <http://www.gov.scot/Resource/0045/00456468.pdf>