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## 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.

The Loch Carron Nature Conservation Marine Protected Area (No. 2) Order 2017 (“the 2017 Order”) designated that part of the Scottish marine area which is within Loch Carron as a nature conservation marine protected area (“the Loch Carron MPA”). The 2017 Order provides that flame shell beds within Loch Carron are protected features.

This Order furthers the stated conservation objectives for the Loch Carron MPA.

This Order is made under the Marine (Scotland) Act 2010, including section 88(1) and (2) of that Act which allows the Scottish Ministers to make this Order on an urgent basis. In accordance with section 88(1)(b) of that Act the Order remains in force for a specified period. In accordance with section 88(5) of that Act the Scottish Ministers must keep under review the need for this Order to remain in force.

Article 3 describes the area protected by this Order (“the protected area”). It is the seabed and subsoil and all of the water covering the seabed within the Loch Carron MPA.

Article 4 prohibits and regulates activities within the protected area.

Article 4(2) provides that a person must not deploy or use any fishing gear within the protected area. The term “fishing gear” and associated terms are defined in article 4(5) of the Order.

Article 4(3) regulates the storage of fishing gear on fishing vessels within the protected area.

Article 4(4) provides that article 4(2) and (3) does not apply to activities carried out in the protected area for the purpose of saving life or for the purpose of securing the safety of a vessel, aircraft or marine structure.

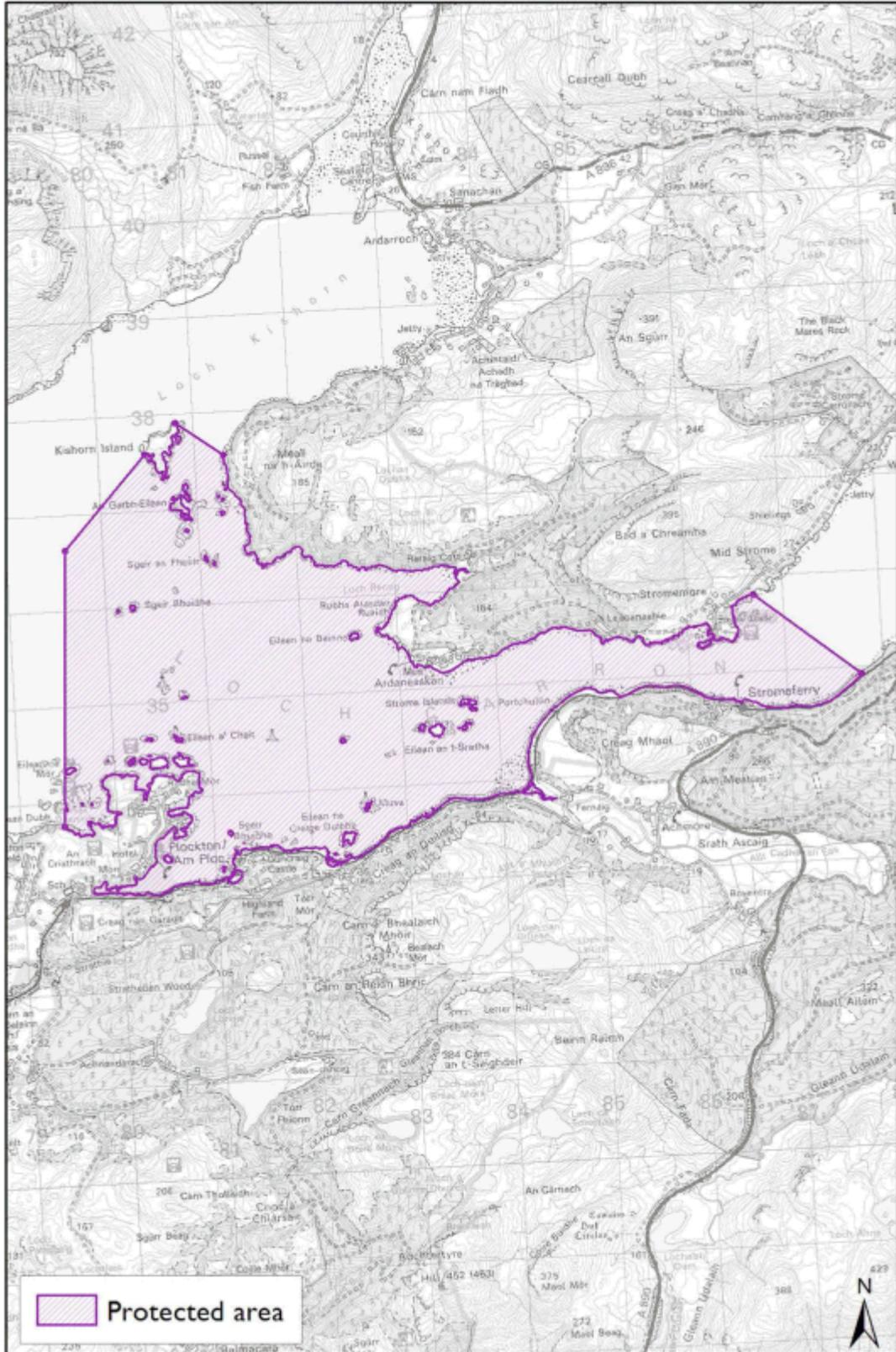
Article 5 provides that paragraph (b) of section 97(1) (exception to offence where act authorised by a public authority) of the Marine (Scotland) Act 2010 does not apply in relation to an offence under section 94 of that Act of contravening this Order or an offence under section 95 of that Act committed in relation to the protected area.

A person who contravenes this Order commits an offence and is liable on summary conviction to a fine of up to £50,000, and on conviction on indictment to an unlimited fine.

Article 6 revokes the Loch Carron Urgent Marine Conservation Order 2017. The provision made by that Order is re-made by this Order except for a change in the extent of the area protected that reflects a change in the extent of the area designated by the 2017 Order. The definition of “the Loch Carron MPA” in article 2 of this Order refers to the area designated as a nature conservation marine protected area by the 2017 Order.

An illustrative map showing the Loch Carron MPA is attached to this note.

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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