
EXPLANATORY NOTE

(This note is not part of the Order)

This Order furthers the stated conservation objectives for the Red Rocks and Longay Nature Conservation Marine Protected Area Order 2021 (“the MPA Order”). The MPA Order designated the Red Rocks and Longay area of the Inner Sound of Skye as a nature conservation marine protected area (“the Red Rocks and Longay MPA”), in order to protect flapper skate (*Dipturus intermedius*) and their eggs.

This Order is made on an urgent basis under section 88(1) of the Marine (Scotland) Act 2010 (“the 2010 Act”). In accordance with section 88(1)(b) of the 2010 Act, this Order remains in force for a specified period. In accordance with section 88(5) of the 2010 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”).

Article 4 prohibits and regulates activities within the protected area.

Article 5 provides that the Scottish Ministers may, in specific circumstances, issue permits authorising activities, which would otherwise be prohibited under article 4, within the protected area.

Article 6 provides that the Scottish Ministers may delegate, by way of direction, the issuing of permits under article 5 to another person or group of persons.

Article 7 provides that section 97(1)(b) (exceptions to offences etc.) of the 2010 Act 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. Section 98 of the 2010 Act provides for a defence to such an offence for acts taken in an emergency.

Impact assessments have not been provided due to the urgent nature of this Order.

An illustrative map showing the Red Rocks and Longay MPA is attached to this note.

Status: This is the original version (as it was originally made).

