

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2016 No. 88**

**The Wester Ross Marine Conservation Order 2016**

**Citation and commencement**

1. This Order may be cited as the Wester Ross Marine Conservation Order 2016 and comes into force on 23rd March 2016.

**Interpretation**

2. In this Order—

“boundary line” means a boundary delineated by a line as described in Schedule 1 or 2;

“co-ordinate” means a co-ordinate of latitude and longitude according to the World Geodetic System 1984(1);

“the protected area” means the area described in article 3; and

“Wester Ross MPA” means that area designated as a nature conservation marine protected area by, and described in article 3 of, the Wester Ross Nature Conservation Marine Protected Area Order 2014(2).

**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 Wester Ross MPA.

**Prohibited and regulated activities**

4.—(1) Paragraphs (2) and (3) apply in order to further the stated conservation objectives of the Wester Ross MPA in relation 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.

(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—

---

(1) The World Geodetic System 1984 is defined at paragraph 2.1 of the United States National Imagery and Mapping Agency Technical Report TR8350.2, third edition, amendment 1 of 3rd January 2000 entitled “Department of Defense World Geodetic System 1984” (<http://earth-info.nga.mil/GandG/publications/tr8350.2/wgs84fin.pdf>)

(2) The Wester Ross Nature Conservation Marine Protected Area Order 2014 (“the 2014 Order”) was made by the Scottish Ministers under powers within the Marine (Scotland) Act 2010, including section 67(1)(a). By virtue of section 165(3) of that Act the 2014 Order is not a Scottish statutory instrument but a Scottish Ministerial Order. The 2014 Order is available at <http://www.scotland.gov.uk/Resource/0045/00456503.pdf>

- (a) 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;
  - (b) a demersal trawl, whether that be a single demersal trawl or a twin rig demersal trawl, (other than a beam trawl) by a vessel with an engine power not exceeding 500 kilowatts, and registered as such under Part II of the Merchant Shipping Act 1995(3), within that part of the protected area which is described by Schedule 1; or
  - (c) a single demersal trawl (other than a beam trawl) by a vessel with an engine power not exceeding 500 kilowatts, and registered as such under Part II of the Merchant Shipping Act 1995, within those parts of the protected area which are described by Schedule 2.
- (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;
- “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 with gear 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, and any rope or wire associated with the gear;
- “single demersal trawl” means a single net towed by a two warp rig in which the net has a single groundrope bosom; and
- “twin rig demersal trawl” means two separate nets, each with a single groundrope bosom, which are towed on the seabed simultaneously by a two or a three warp rig.

#### **Authorisation for the purpose of scientific research**

5.—(1) The Scottish Ministers may, following written application to them, issue a permit authorising the activity mentioned in paragraph (2) which would, apart from any such permit, be unlawful under this Order.

(2) The activity mentioned in this paragraph is the deployment or use of any fishing gear for the purpose of scientific research.

(3) The Scottish Ministers must not issue a permit unless they are satisfied that there is no significant risk of the activity hindering the achievement of the stated conservation objectives for the Wester Ross MPA.

(4) In this article, “fishing gear” has the same meaning as in article 4(5).

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

6.—(1) Paragraph (b) of section 97(1) 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.

---

(3) 1995 c.21.

## Revocations

7.—(1) In Schedule 1 to the Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 2004<sup>(4)</sup>, the entry relating to Little Loch Broom and Gruinard Bay, listed as item 10 in column 1, is revoked.

(2) The Wester Ross Marine Conservation Order 2015<sup>(5)</sup> is revoked.

St Andrew's House,  
Edinburgh  
3rd February 2016

*RICHARD LOCHHEAD*  
A member of the Scottish Government

---

<sup>(4)</sup> S.S.I. 2004/276.  
<sup>(5)</sup> S.S.I. 2015/302.