
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 Sunart to the Sound of Jura Nature Conservation Marine Protected Area Order 2014 (“the 2014 Order”) designated Loch Sunart to the Sound of Jura as a nature conservation marine protected area (“Loch Sunart to the Sound of Jura MPA”). The 2014 Order provides that common skate, a mobile species, and the Quaternary of Scotland which is a geomorphological feature are protected features within the Loch Sunart to the Sound of Jura MPA.

This Order furthers the stated conservation objectives for the Loch Sunart to the Sound of Jura MPA insofar as they relate to common skate and protects the Firth of Lorn Special Area of Conservation (“Firth of Lorn SAC”) in respect of reefs.

Article 3 and Schedule 1 describe the area protected by this Order (“the protected area”). It comprises part of the Loch Sunart to the Sound of Jura MPA, the whole of the Firth of Lorn SAC which is described in article 2 and Schedule 3, and an area which is outwith both of those designated areas.

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” is defined in article 4(6) of the Order.

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

Article 4(4) provides that the provision made by the Order in prohibiting and regulating activities is subject to certain specified exceptions. Article 4(4)(a) provides that the prohibitions and regulations do 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 4(4)(b) provides that mechanical dredging and, provided that certain specified equipment is not used, demersal trawling (other than beam trawling) by fishing vessels, is permitted within certain specified parts of the protected area, which are described in Schedule 2.

Article 4(5) provides that the exceptions to the prohibition which are provided by article 4(4)(b) only apply within certain specified parts of the protected area at certain specified times of the year.

Article 5 provides that the Scottish Ministers may issue permits authorising fishing within the protected area only for the purpose of scientific research which would, apart from such a permit, be unlawful under the Order. The article makes provision regarding the procedure which applies to the making of applications for permits and the determination of such applications.

Article 6 provides that paragraph (b) of section 97(1) 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.

Article 7 provides that the Inshore Fishing (Prohibition Methods of Fishing) (Firth of Lorn) (No. 2) Order 2007 (“the 2007 Order”) is revoked. The provision made by the 2007 Order is broadly re-made by this Order.

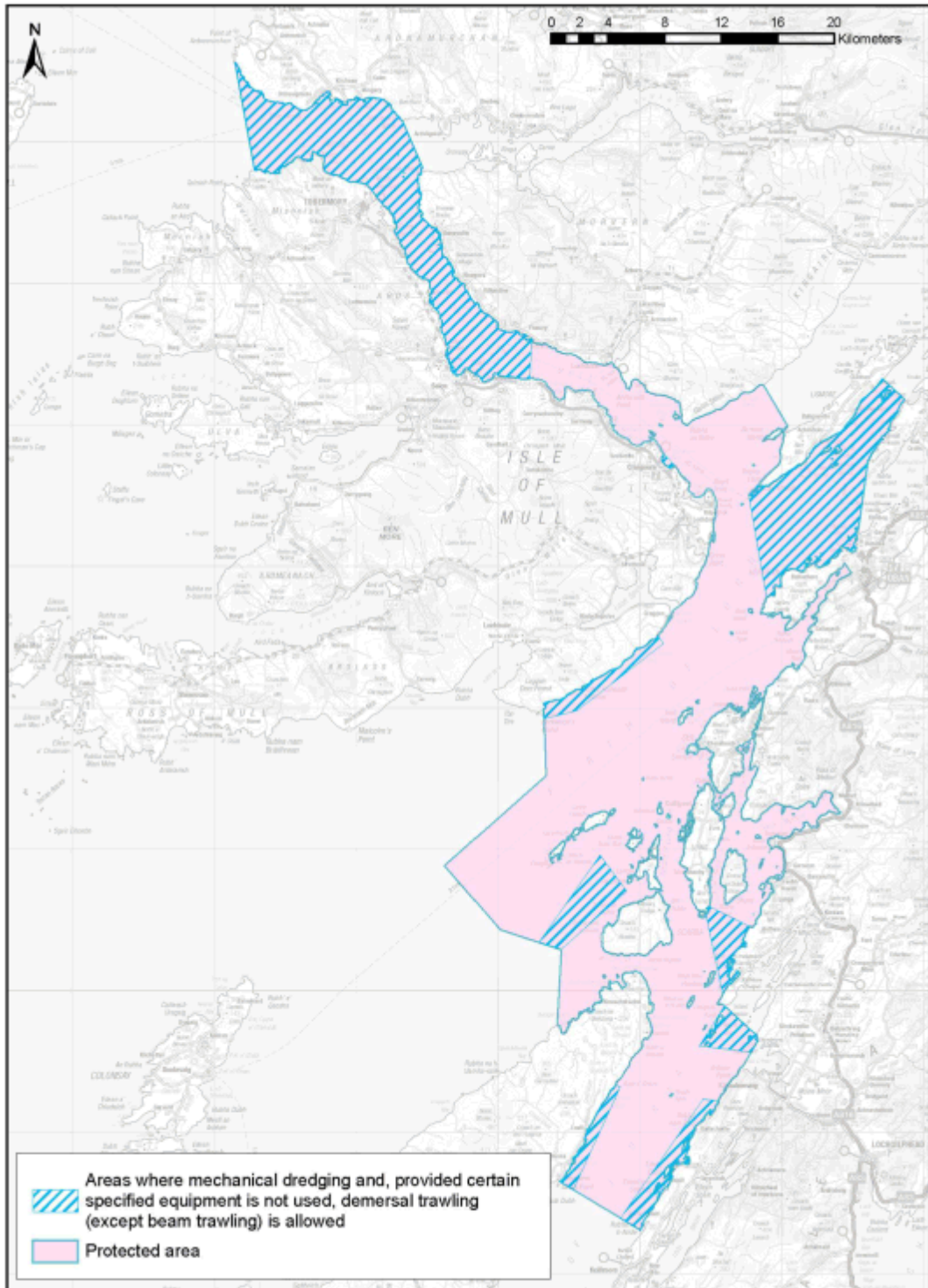
A person who contravenes this Order commits an offence and is liable on summary conviction to a fine of up to £50,000, and on conviction on indictment to an unlimited fine. The penalty on summary conviction under this Order is greater than that which is provided by the 2007 Order.

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A business and regulatory impact assessment has been prepared in relation to this Order and placed in the Scottish Parliament Information Centre. A copy of this can be obtained from Marine Scotland, the Scottish Government, Victoria Quay, Edinburgh, EH6 6QQ.

An illustrative map showing that part of the Loch Sunart to the Sound of Jura MPA, the Firth of Lorn SAC, and that area which is outwith both the Loch Sunart to the Sound of Jura MPA and the Firth of Lorn SAC in respect of which the Order applies is attached to this note.

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