

2022 No. 35

SEA FISHERIES

CONSERVATION OF SEA FISH

**The Sea Fish (Prohibition on Fishing) (Firth of Clyde) (No. 2)
Order 2022**

Made - - - - at 11.20 a.m. on 1st February 2022

Laid before the Scottish Parliament at 3.00 p.m. on 1st February 2022

Coming into force - - - - 12th February 2022

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 5(1)(a), 15(3), 20(1), 22(2) and 22A of the Sea Fish (Conservation) Act 1967^(a) and all other powers enabling them to do so.

Citation, commencement, cessation and effect

1.—(1) This Order may be cited as the Sea Fish (Prohibition on Fishing) (Firth of Clyde) (No. 2) Order 2022 and comes into force on 12 February 2022.

(2) This Order remains in force until the end of 30 April 2023.

(3) The prohibition in article 3(1) has effect during the following periods—

(a) from 14 February 2022 until the end of 30 April 2022, and

(b) from 14 February 2023 until the end of 30 April 2023.

Interpretation

2. In this Order “British fishing boat” means a fishing boat which either is registered in the United Kingdom under Part II of the Merchant Shipping Act 1995^(b) or is owned wholly by persons qualified to own British ships for the purposes of that Part of that Act.

(a) 1967 c. 84 (“the 1967 Act”). Section 5(1) of the 1967 Act was substituted by section 198(2) of the Marine and Coastal Access Act 2009 (c. 23) (“the 2009 Act”), which extends to Scotland by virtue of section 158(1) of the Marine (Scotland) Act 2010 (asp 5) (“the 2010 Act”). Section 15(3) of the 1967 Act was substituted by section 22(5) and paragraph 38(3) of schedule 1 of the Sea Fisheries Act 1968 (c. 77) and amended by paragraph 16(1) of schedule 2 of the Fishery Limits Act 1976 (c. 86), S.I. 1999/1820 and paragraph 6(9)(b) of schedule 4 of the Fisheries Act 2020 (c. 22) (“the 2020 Act”). Sections 5, 15(3), 20 and 22(2) of the 1967 Act are modified in relation to Scotland by section 22A(2), (6), (10), (11) and (12) of that Act. Section 22A of the 1967 Act was inserted by S.I. 1999/1820. Section 22A(2) of the 1967 Act was amended by section 159 of the 2010 Act. Section 22A(6) of the 1967 Act was substituted by section 159(4) of the 2010 Act and section 22A(11) of the 1967 Act was amended by S.I. 2000/2040 and paragraph 6(13)(d) of schedule 4 of the 2020 Act. Section 22(2) of the 1967 Act, which contains a definition of “the Ministers” for the purposes of section 15(3) of that Act, was relevantly amended by sections 19(2)(d) and 45 of the Fisheries Act 1981 (c. 29) and S.I. 1999/1820. The definition of “the Ministers” was modified in relation to Scotland by section 22A(12)(b) of the 1967 Act.

(b) 1995 c. 21.

Prohibition on fishing

3.—(1) Fishing for sea fish by any method, by any British fishing boat, is prohibited in the areas referred to in paragraphs (2) and (3).

(2) That part of the Scottish zone which is enclosed by the 6 boundary lines which are described in Part 1 of the schedule, in each case by reference to—

- (a) the co-ordinates of the points joined by the boundary line, and
- (b) a topographical description of the boundary line.

(3) That part of the Scottish zone which is enclosed by the 14 boundary lines which are described in Part 2 of the schedule, in each case by reference to—

- (a) the co-ordinates of the points joined by the boundary line, and
- (b) a topographical description of the boundary line.

Revocation

4. The following Orders are revoked—

- (a) The Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2019(**a**),
- (b) The Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2021(**b**),
- (c) The Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2022(**c**).

MAIRI GOUGEON
A member of the Scottish Government

St Andrew's House,
Edinburgh
At 11.20 a.m. on 1st February 2022

(a) S.S.I. 2019/419.
(b) S.S.I. 2021/467.
(c) S.S.I. 2022/5.

SCHEDULE

Article 3

Description of areas – boundary lines

PART 1

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographic description of boundary line</i>
1.	A to B	Loxodrome
2.	B to C	Loxodrome
3.	C to D	Loxodrome
4.	D to E	Loxodrome
5.	E to F	Loxodrome
6.	F to A	Line following the mean high water spring mark

Where—

coordinate “A” is 55° 30.000’ north latitude and 005° 05.472’ west longitude,
 coordinate “B” is 55° 30.000’ north latitude and 005° 00.000’ west longitude,
 coordinate “C” is 55° 23.820’ north latitude and 005° 00.000’ west longitude,
 coordinate “D” is 55° 23.820’ north latitude and 005° 24.600’ west longitude,
 coordinate “E” is 55° 30.000’ north latitude and 005° 24.600’ west longitude,
 coordinate “F” is 55° 30.000’ north latitude and 005° 19.947’ west longitude.

PART 2

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographic description of boundary line</i>
1.	A to B	Loxodrome
2.	B to C	Loxodrome
3.	C to D	Loxodrome
4.	D to E	Loxodrome
5.	E to F	Loxodrome
6.	F to G	Loxodrome
7.	G to H	Line following the mean high water spring mark
8.	H to I	Loxodrome
9.	I to J	Line following the mean high water spring mark
10.	J to K	Loxodrome
11.	K to L	Loxodrome
12.	L to M	Line following the mean high water spring mark
13.	M to N	Loxodrome
14.	N to A	Line following the mean high water spring mark

Where—

coordinate “A” is 55° 25.713’ north latitude and 005° 32.426’ west longitude,
coordinate “B” is 55° 26.100’ north latitude and 005° 31.920’ west longitude,
coordinate “C” is 55° 17.220’ north latitude and 005° 16.860’ west longitude,
coordinate “D” is 55° 10.680’ north latitude and 005° 14.700’ west longitude,
coordinate “E” is 55° 12.960’ north latitude and 005° 08.940’ west longitude,
coordinate “F” is 55° 13.860’ north latitude and 005° 00.000’ west longitude,
coordinate “G” is 55° 06.797’ north latitude and 005° 00.000’ west longitude,
coordinate “H” is 55° 00.000’ north latitude and 005° 02.496’ west longitude,
coordinate “I” is 55° 00.000’ north latitude and 005° 05.170’ west longitude,
coordinate “J” is 55° 00.000’ north latitude and 005° 10.120’ west longitude,
coordinate “K” is 55° 00.000’ north latitude and 005° 21.000’ west longitude,
coordinate “L” is 55° 17.962’ north latitude and 005° 47.914’ west longitude,
coordinate “M” is 55° 25.088’ north latitude and 005° 33.303’ west longitude,
coordinate “N” is 55° 25.392’ north latitude and 005° 33.065’ west longitude.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits all methods of fishing within two specified areas of the Firth of Clyde from 14 February to 30 April, during both 2022 and 2023 (articles 1(3) and 3(1)). The Order remains in force until the end of 30 April 2023 (article 1(2)).

The areas closed to fishing under this Order are shown on the illustrative map which accompanies this Explanatory Note. The area horizontally hatched on the illustrative map is described in Part 1 of the schedule . The area diagonally hatched on the illustrative map is described in Part 2 of the schedule.

The Order applies only to British fishing boats (article 3(1)).

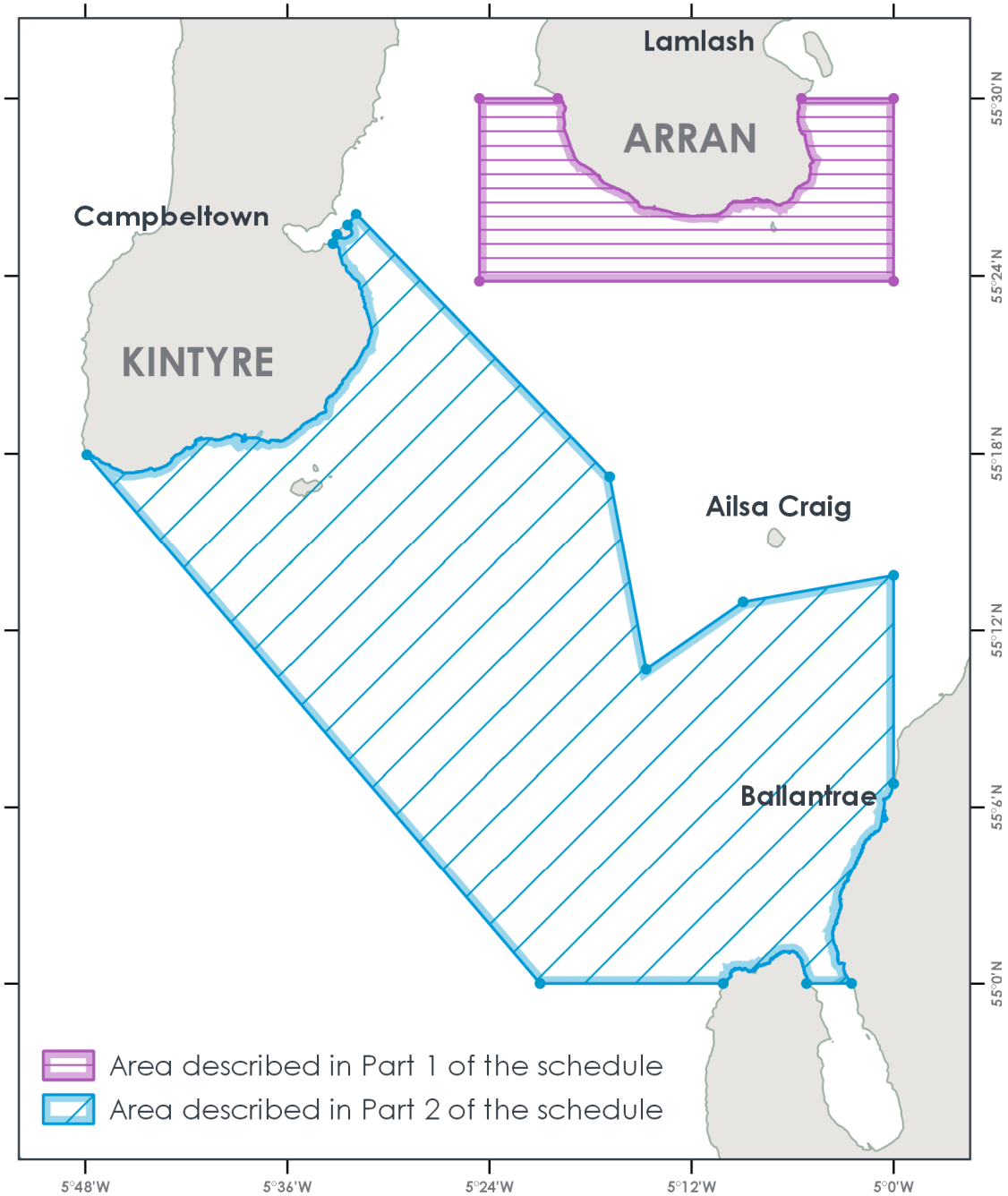
The South Arran Marine Conservation Order 2015 (S.S.I. 2015/437) imposes separate restrictions on activities within part of the area referred to in article 3(2) and described in Part 1 of the schedule.

It is an offence under section 5(1) of the Sea Fish (Conservation) Act 1967 to use a fishing boat in contravention of a prohibition imposed by this Order. The penalties are fixed by section 11 of that Act. On summary conviction, the penalty is a fine not exceeding £50,000. On conviction on indictment, the penalty is an unlimited fine. In either case, the court may also order forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used in committing the offence. On summary conviction, if the court does not order the forfeiture of fish, it may impose an additional fine not exceeding the value of the fish.

The Order revokes the Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2019, the Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2021 and the Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2022 (article 4).

A Business and Regulatory Impact Assessment (“BRIA”) has been prepared in relation to this Order and placed in the Scottish Parliament Information Centre. Copies of the BRIA are available from Marine Scotland, Victoria Quay, Leith, Edinburgh EH6 6QQ and online at www.legislation.gov.uk.

Illustrative Map Referred to in the Explanatory Note to the Sea Fish (Prohibition on Fishing) (Firth of Clyde) (No. 2) Order 2022



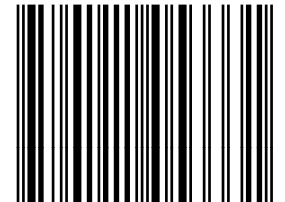
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