SCOTTISH STATUTORY INSTRUMENTS

2011 No. 319

SEA FISHERIES

The Inshore Fishing (Prohibition of Fishing for Cockles) (Solway Firth) (Scotland) Order 2011

Made	-	-	-	-	*5th September 2011*
Laid before the Scottish Parliament	-	-	-	-	*7th September 2011*
Coming into force	-	-			*15th September 2011*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1 and 2A of the Inshore Fishing (Scotland) Act 1984(**1**) and all other powers enabling them to do so.

In accordance with section 1(1) of that Act, they have consulted such bodies as they consider appropriate.

Citation and commencement

1. This Order may be cited as the Inshore Fishing (Prohibition of Fishing for Cockles) (Solway Firth) (Scotland) Order 2011 and comes into force on 15th September 2011.

Prohibition of fishing for cockles

2.—(1) Fishing for cockles (*Cerastoderma edule*), by any method or means, is prohibited in the Solway Firth.

(2) In paragraph (1), "the Solway Firth" means that part of Scottish inshore waters which lies within the area bounded by the mean high-water mark of ordinary spring tides, by a straight line extending due east from the Isle of Whithorn at a point at 54°41′46″ North latitude and 04°22′00″ West longitude and by the line referred to in article 3(b)(i) of the Scottish Adjacent Waters Boundaries Order 1999(**2**).

Exception for scientific investigation

3. The prohibition in article 2(1) does not apply to fishing for cockles by, or authorised by, the Scottish Ministers for the purpose of scientific investigation.

(**1**) 1984 c.26 ("the 1984 Act"). Section 1 was amended by the Inshore Fishing (Scotland) Act 1994 (c.27) ("the 1994 Act"), section 1. The definition of "Scottish inshore waters" in section 9(1) of the 1984 Act was amended by section 4(2) of the 1994 Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (c.46), section 53. Sections 1 and 9(1) of the 1984 Act were amended by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), Schedule 2, paragraph 72(2) and (3). Section 2A of the 1984 Act was inserted by the Environment Act 1995 (c.25), section 103(2).

(**2**) S.I. 1999/1126.

2

St Andrew's House,Edinburgh
5th September 2011

STEWART STEVENSON
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits all methods and means of fishing for cockles (*Cerastoderma edule*) in the Solway Firth (article 2).

The Order specifies the area of the Solway Firth, which forms part of Scottish inshore waters (article 2(2)). The Solway Firth is shown on the illustrative map which accompanies this Note. "Scottish inshore waters" is defined in section 9(1) of the Inshore Fishing (Scotland) Act 1984 ("the 1984 Act").

The Order excepts from the prohibition, fishing for cockles by, or authorised by, the Scottish Ministers for the purpose of scientific investigation (article 3).

Under section 1(3) of the 1984 Act, any cockles which are caught as an incident of lawful fishing operations in the Solway Firth must be returned to Scottish inshore waters forthwith.

By virtue of section 4 of the 1984 Act, a person—

(a) commits an offence if that person contravenes the prohibition in this Order or section 1(3) of the 1984 Act; and

(b) is liable, on summary conviction, to a maximum fine of £5,000 or, on conviction on indictment, to a fine.

Section 5 of the 1984 Act confers powers on British sea-fishery officers for the purpose of enforcing this Order, which are exercisable in relation to any vehicle, equipment or British fishing boat.

No Business and Regulatory Impact Assessment has been prepared for this Order, as it has no impact on the cost of business.

Illustrative map referred to in the Explanatory Note to the Inshore Fishing (Prohibition of Fishing for Cockles) (Solway Firth) (Scotland) Order 2011

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12M limits (Territorial Waters)
Solway Fishery