

2009 No. 444

SEA FISHERIES

**The Inshore Fishing (Prohibition of Fishing for Cockles)
(Western Isles) (Scotland) Order 2009**

Made - - - - - *17th December 2009*

Laid before the Scottish Parliament *18th December 2009*

Coming into force - - - *25th January 2010*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 1(1) and (2)(b) and (f) of the Inshore Fishing (Scotland) Act 1984^(a), 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, commencement and interpretation

1.—(1) This Order may be cited as the Inshore Fishing (Prohibition of Fishing for Cockles) (Western Isles) (Scotland) Order 2009 and comes into force on 25th January 2010.

(2) In this Order—

“foreshore” means the area of the shore between the high and low water marks of ordinary spring tides;

“local government area” has the same meaning as in Part I of the Local Government etc. (Scotland) Act 1994^(b); and

“specified area” means that part of Scottish inshore waters comprising the foreshore within the local government area of the Western Isles^(c).

Prohibition of fishing for cockles of specified size

2.—(1) Subject to paragraph (2) and article 3, fishing for cockles (*Cerastoderma edule*) in the specified area is prohibited.

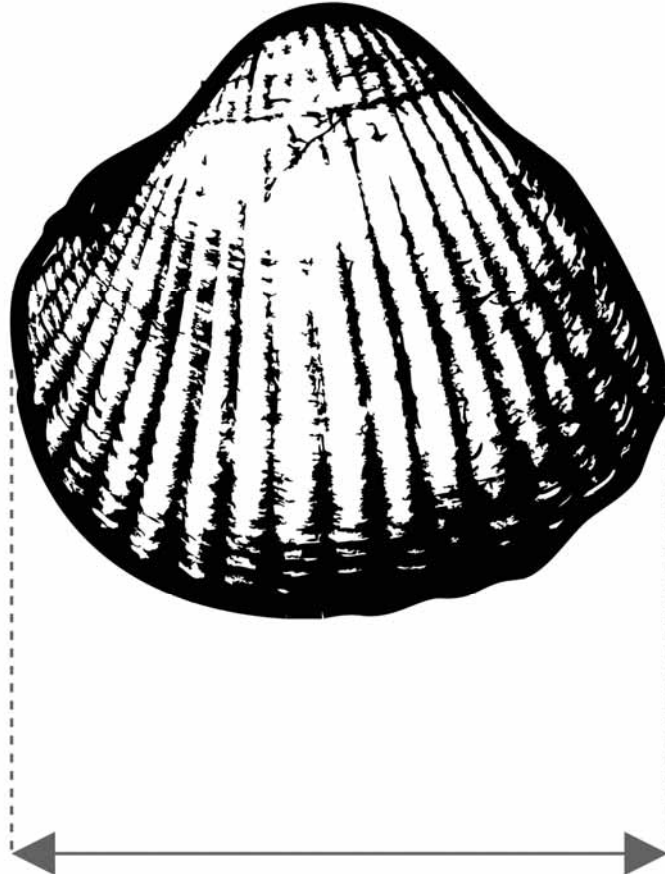
(a) 1984 c.26 (“the 1984 Act”). Section 1 was amended by the Inshore Fishing (Scotland) Act 1994 (c.27), (“the 1994 Act”) section 1. The definition of “Scottish inshore waters” in section 9(1) of the 1984 Act was amended by section 4 of the 1994 Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) 1994 c.39, to which there are amendments not relevant to this Order.

(c) By virtue of section 3 of the Local Government etc. (Scotland) Act 1994 the area of Western Isles Council is known as “Western Isles”. The Western Isles Council is now known as Comhairle nan Eilean Siar. An illustrative map showing the specified area accompanies the Explanatory Note to this Order.

(2) The prohibition in paragraph (1) does not apply to cockles which are 30mm or more in size as measured across the longest part of the shell as shown in figure 1 below.

Figure 1



Exception for scientific investigation

3. The prohibition in article 2(1) does not apply to fishing for cockles which are less than 30mm in size as measured across the longest part of the shell when such fishing is by, or authorised by, the Scottish Ministers for the purposes of scientific investigation.

St Andrew's House,
17th December 2009

RICHARD LOCHHEAD
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of the Order prohibits, subject to the exception in article 3, fishing for cockles (*Cerastoderma edule*) which are less than 30mm in size in the Scottish inshore waters specified in article 1(2). An illustrative map showing the specified area accompanies this Note. “Scottish inshore waters” is defined in section 9(1) of the Inshore Fishing (Scotland) Act 1984.

Article 3 exempts from the prohibition in article 2, fishing for cockles which are less than 30mm in size when such fishing is by, or authorised by, the Scottish Ministers for the purpose of scientific investigation.

The Regulatory Impact Assessment relating to this Order is available from Marine Scotland, Pentland House, 47 Robb’s Loan, Edinburgh, EH14 1TY.

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