SCOTTISH MINISTERIAL ORDER

ENVIRONMENTAL PROTECTION

MARINE MANAGEMENT

The Fair Isle (Demonstration and Research Marine Protected Area) Order 2016

Made - - - - 26th October 2016
Coming into force - - 9th November 2016

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 67(1)(b), 71 and 72 of the Marine (Scotland) Act 2010.

In accordance with section 71(1) and (2)(a) of that Act the Scottish Ministers consider it desirable to make this Order for the purposes of both demonstration of sustainable methods of marine management or exploitation and research into such matters.

In accordance with section 71(3)(b) of that Act the Scottish Ministers have had regard to any social or economic consequences of designation.

In accordance with section 75(1) of that Act the Scottish Ministers have—
(a) published notice of their proposal to make this Order; and
(b) consulted such persons as they consider are likely to be interested in or affected by the making of this Order.

Citation and commencement

1. This Order may be cited as the Fair Isle (Demonstration and Research Marine Protected Area) Order 2016 and comes into force on 9th November 2016.

Interpretation

2. In this Order “co-ordinate” means a co-ordinate on the World Geodetic System 1984 Datum and co-ordinate reference system(b).

Purpose

3. This Order is made for the purposes of both demonstration of sustainable methods of marine management or exploitation and research into such matters.

a 2010 asp 5.
(b) Definitions of World Geodetic System 1984 Datum and coordinate reference system are available via EPSG Geodetic Parameter Registry as EPSG:6326 (http://epsg.io/6326-datum) and EPSG:4326 (http://epsg.io/4326) respectively.
Area designated

4.—(1) The area of the Scottish marine protection area described in paragraph (2) is designated as a demonstration and research marine protected area, to be known as “The Fair Isle (Demonstration and Research Marine Protected Area)”.

(2) The area is the marine area enclosed by the 4 boundary lines which are described in the schedule, in each case by reference to—

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

(3) In paragraph (2) “marine area”, in relation to the area designated, means—

(a) any area of seabed or other land (whether or not covered by water) seaward of the mean high water spring tide within that area; and
(b) all of the water covering any part of that seabed or other land.

Method or methods of marine management or exploitation to be demonstrated and researched

5.—(1) The methods of marine management and exploitation to be demonstrated and researched within The Fair Isle (Demonstration and Research Marine Protected Area) are the use of an ecosystem approach(a), which includes the following—

(a) the environmental monitoring of seabirds and of other mobile marine species;
(b) the environmental monitoring of the factors which influence the populations of seabirds and of other mobile species;
(c) the development and implementation of a local sustainable shellfish fishery;
(d) the development of a research programme into local fisheries which includes research on species composition, size, distribution and temporal and spatial changes in fish stocks;
(e) based upon the research undertaken under sub-paragraph (d), the development of a sustainable-use management programme for local fisheries.

(2) The methods of marine management and exploitation to be demonstrated and researched into as referred to in paragraph (1) include demonstration of, and research into, the effects of such methods of marine management and exploitation on Fair Isle, including any socio-economic effects.

(3) In paragraph (1)(a) and (b) “mobile marine species” includes cetaceans and other marine mammals.

ROSEANNA CUNNINGHAM
Cabinet Secretary for Environment, Climate Change and Land Reform

St Andrew’s House,
Edinburgh
26th October 2016

(a) This is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way. The International Council for the Exploration of the Sea defines the ecosystem approach in the marine environment as “the comprehensive integrated management of human activities based on best available scientific knowledge about the ecosystem and its dynamics, in order to identify and take action in influences which are critical to the health of the marine ecosystems, thereby achieving sustainable use of ecosystem goods and services and maintenance of ecosystem integrity”. 
**SCHEDULE**

Area designated – boundary lines

<table>
<thead>
<tr>
<th>Boundary Line</th>
<th>Set of co-ordinates of points which the boundary line joins</th>
<th>Topographic description of boundary line</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>A, B</td>
<td>Geodesic line</td>
</tr>
<tr>
<td>2.</td>
<td>B, C</td>
<td>Geodesic line</td>
</tr>
<tr>
<td>3.</td>
<td>C, D</td>
<td>Geodesic line</td>
</tr>
<tr>
<td>4.</td>
<td>D, A</td>
<td>Geodesic line</td>
</tr>
</tbody>
</table>

Where—

“A” is 59° 36.000’ N, 001° 44.040’ W;
“B” is 59° 36.000’ N, 001° 31.680’ W;
“C” is 59° 28.380’ N, 001° 31.680’ W; and
“D” is 59° 28.380’ N, 001° 44.040’ W.
EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the marine area adjacent to Fair Isle as a Demonstration and Research Marine Protected Area. The area designated is defined in article 4 and the Schedule. The methods of marine management and exploitation to be demonstrated and researched are stated in article 5.

A Business and Regulatory Impact Assessment ("BRIA") has been prepared in relation to this Order. Copies of the BRIA and maps of the marine protected area are available from Marine Scotland, Victoria Quay, Leith, Edinburgh, EH6 6QQ and on-line at http://www.gov.scot/Topics/marine/marine-environment/mpanetwork/DandRMPAs/FairIsleDRMPA.