



Date:

Dear:

**THE AQUACULTURE AND FISHERIES (SCOTLAND) ACT 2007:
FIXED PENALTY NOTICE REFERENCE No. 207**

I have received a report from British Sea Fisheries Officers in Ayr detailing their suspicions that the vessel which you were master of, [redacted] Breached The South Arran Marine Conservation Order 2015. Specifically that on [redacted] you deployed fishing gear within the boundry of the South Arran Marine Protected Area (MPA) as defined in Schedule 2 of the South Arran Marine Conservation Order 2015 in breach of Article 4(2) of the aforementioned Order. A summary of the relevant sections of the order are attached as an Annex.

Having carefully considered the report made by the detecting officers, I am satisfied that there is sufficient evidence, and the matter sufficiently serious, for a report to be made to the Procurator Fiscal in respect of a Breach of the South Arran Conservation Order 2015 offence.

However, before taking such action, and in accordance with the provisions laid down in Sections 25 – 31 of the Aquaculture and Fisheries (Scotland) Act 2007, as amended, I am **issuing you with a Fixed Penalty Notice for £2,000 in respect of the alleged offences.**

If you wish to accept this offer of a fixed penalty, you should arrange for payment to be made to the Scottish Government at the address below and using one of the payment methods set out in the attachment to this notice.

If you wish to accept the offer of a fixed penalty you need only pay that amount by the required deadline which is **28 days** from the date of this letter. Do not write a letter of acceptance or reply to this letter or do anything else other than make the necessary payment quoting the reference number which appears at the top of this letter.

If you pay the fixed penalty any liability to a conviction for the alleged offence is discharged.

Payment of the fixed penalty is not a conviction, nor can it be recorded as such.



[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

You may decide that you wish to reject the offer of a fixed penalty. If so you may reject the offer by writing to _____ at the address given at the bottom of this letter. **NO OTHER CORRESPONDENCE MAY BE ENTERED INTO AS TO DO SO MAY BE SUB JUDICE.**

No proceedings in respect of the alleged offence will be taken against you unless you:-

- (a) fail to pay the prescribed amount by the expiry of the deadline given, or**
- (b) intimate in writing that you do not wish to accept the fixed penalty.**

Should either situation arise then a report will be submitted to the Procurator Fiscal with a view to prosecution.

Yours sincerely -

[Redacted]

[Redacted]

The South Arran Marine Conservation Order 2015 (SSI 437/2015)

Interpretation

2. In this Order—

"boundary line" means a boundary delineated by a line as described in Schedule 1, 2 or 3; "co-ordinate" means a co-ordinate of latitude and longitude according to the World Geodetic System 1984(a); "the protected area" means the area described in article 3; and "South Arran MPA" means the area designated as a nature conservation marine protected area by, and described in article 3 of, the South Arran Nature Conservation Marine Protected Area

Order 2014(b).

Prohibited and regulated activities

4. (2) A person must not deploy (by any means) or use any fishing gear within the protected area.

(11) In this article— "fishing gear" means any beam trawl, demersal seine net, demersal trawl, dredge, any other device used for fishing purposes, and any rope or wire associated with the gear but excluding—

- (a) passive gear;
- (b) a pelagic trawl;
- (c) a rod and line; and
- (d) a handline;

Articles 2 and 4(5) and (6)

SCHEDULE 2

AREAS WHERE, IN ADDITION TO THE PROHIBITION ON THE DEPLOYMENT OR USE OF ANY FISHING GEAR, THE DEPLOYMENT OR USE OF ANY PASSIVE GEAR IS PROHIBITED

For the purposes of articles 2, 4(5) and (6) the parts of the protected area described in this Schedule are enclosed by the boundary lines which are described below, in each case by reference to the co-ordinates of the points joined by a line and a topographical description of the line—

PART 1

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographical description of boundary line</i>
1.	P to Q	Geodesic line
2.	Q to R	Mean high water spring tide
3.	R to S	Geodesic line
4.	S to T	Mean high water spring tide
5.	T to U	Geodesic line
6.	U to P	Mean high water spring tide

Where—

"P" is 55°32.603'N, 005°06.512'W;

"Q" is 55°31.558'N, 005°05.218'W;

"R" is 55°31.876'N, 005°04.305'W;

"S" is 55°32.990'N, 005°04.839'W;

"T" is 55°32.998'N, 005°04.865'W; and

"U" is 55°33.002'N, 005°04.957'W.

PART 2

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographical description of boundary line</i>
1.	V to W	Geodesic Line
2.	W to X	Geodesic Line
3.	X to Y	Geodesic Line
4.	Y to Z	Geodesic Line
5.	Z to AA	Geodesic Line
6.	AA to AB	Geodesic Line
7.	AB to AC	Geodesic Line
8.	AC to AD	Geodesic Line
9.	AD to AE	Geodesic Line
10.	AE to AF	Geodesic Line
11.	AF to AG	Geodesic Line
12.	AG to AH	Geodesic Line
13.	AH to AI	Geodesic Line
14.	AI to AJ	Geodesic Line
15.	AJ to V	Geodesic Line

Where—

"V" is 55°30.584'N, 005°04.208'W;

"W" is 55°30.661'N, 005°04.110'W;

"X" is 55°30.618'N, 005°03.966'W;

"Y" is 55°30.826'N, 005°03.492'W;

"Z" is 55°30.943'N, 005°03.468'W;

"AA" is 55°30.989'N, 005°03.377'W;

"AB" is 55°30.916'N, 005°03.333'W;

"AC" is 55°30.621'N, 005°03.388'W;

"AD" is 55°30.539'N, 005°03.429'W;

"AE" is 55°30.276'N, 005°03.763'W;

"AF" is 55°30.193'N, 005°04.055'W ;

"AG" is 55°30.208'N, 005°04.083'W;

"AH" is 55°30.306'N, 005°04.077'W;

"AI" is 55°30.400'N, 005°04.040'W; and

"AJ" is 55°30.520'N, 005°04.080'W.

PART 3

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographical description of boundary line</i>
1.	AK to AL	Geodesic line
2.	AL to AM	Geodesic line
3.	AM to AN	Geodesic line
4.	AN to AO	Geodesic line
5.	AO to AP	Geodesic line
6.	AP to AQ	Geodesic line
7.	AQ to AK	Mean high water spring tide

Where—

"AK" is 55°30.403'N, 005°04.812'W;

"AL" is 55°30.035'N, 005°04.838'W;

"AM" is 55°29.650'N, 005°05.146'W;

"AN" is 55°29.177'N, 005°05.361'W;

"AO" is 55°28.567'N, 005°05.010'W;

"AP" is 55°28.039'N, 005°04.535'W; and

"AQ" is 55°27.914'N, 005°04.749'W.

PART 4

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographical description of boundary line</i>
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<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographical description of boundary line</i>
1.	AR to AS	Geodesic line
2.	AS to AT	Geodesic line
3.	AT to AU	Geodesic line
4.	AU to AR	Geodesic line

Where—

"AR" is 55°26.280'N, 005°07.860'W;

"AS" is 55°26.280'N, 005°06.060'W;

"AT" is 55°25.898'N, 005°06.080'W; and

"AU" is 55°25.908'N, 005°07.838'W.

PART 5

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographical description of boundary line</i>
1.	AV to AW	Geodesic line
2.	AW to AX	Geodesic line
3.	AX to AY	Geodesic line
4.	AY to AV	Geodesic line

Where—

"AV" is 55°26.520'N, 005°18.660'W;

"AW" is 55°26.520'N, 005°17.220'W;

"AX" is 55°26.100'N, 005°17.220'W; and

"AY" is 55°26.176'N, 005°18.643'W.

