Sirens of the sea?
Marine reserve designation on the Isle of Arran

Dr Tom Appleby
Scallop Dredging

Courtesy of Bryce Beukers-Stewart
The Clyde Sea

Copyright the Scottish Government
COAST Proposal

Isle of Arran

Lamlash Bay

No Take Zone

Holy Isie
How would you do it?
Marine (Scotland) Act 2010

2010 asp 5

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 4th February 2010 and received Royal Assent on 10th March 2010.

An Act of the Scottish Parliament to make provision in relation to functions and activities in the Scottish marine area, including decision about marine plans, licensing of marine activities, the protection of the area and its wildlife including seals and regulation of sea fisheries; and for connected purposes.

PART 1

THE SCOTTISH MARINE AREA

1 The “Scottish marine area”

(1) For the purposes of this Act, the “Scottish marine area” means the area of sea within the seaward limits of the territorial sea of the United Kingdom adjacent to Scotland and includes the bed and subsoil of the sea within that area.

(2) The boundaries between the parts of the territorial sea of the United Kingdom adjacent to Scotland and the parts not so adjacent are to be determined by reference to an Order in Council made under section 12(2) of the Scotland Act 1998 (c. 46) to the extent that such Order in Council is necessary to give effect to an agreement between the Crown in right of Scotland and the Crown in right of the United Kingdom.
Due diligence on commercial fishing rights
Public right to fish

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What do the public want?

‘Clean healthy, safe, productive and biologically diverse oceans and seas’

Source: Safeguarding our Seas (2002)
Petitioned the Scottish Parliament

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First piece of marine planning in UK

‘The Council is aware of the Community of Arran Seabed Trust (COAST) and is generally supportive of seabed regeneration and marine conservation within Lamlash Bay’

Isle of Arran Local Plan (2005) at 10.8
Lord Advocate
Eventually

The Inshore Fishing (Prohibition on Fishing) (Lamlash Bay) (Scotland) Order 2008
South of Arran Marine Protected Area

South Arran Nature Conservation Marine Protected Area Order 2014
COAST Organisation
Goldman Environmental Prize
So who does the fishery belong to?

Source Swalophoto cc licence

Source Elliot Brown cc licence
Lessons for others

‘True law is right reason in agreement with nature; it is of universal application, unchanging and everlasting; it summons to duty by its commands, and averts from wrongdoing by its prohibitions’

*Cicero: De Re Publica 3.33*