

*These notes relate to the Marine (Scotland) Act 2010  
(asp 5) which received Royal Assent on 10 March 2010*

# MARINE (SCOTLAND) ACT 2010

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## EXPLANATORY NOTES

### THE ACT

#### *Schedule 4 – Consequential Modifications*

#### **Part 2 - Marine Protection and Enhancement: the Scottish Marine Protection Area**

- 299. [Paragraph 4](#) repeals section 1 of the Protection of Wrecks Act 1973 – this allows for the designation of wrecks of historical, archaeological or artistic importance and for it to be an offence to carry out certain activities within a protected area without a licence. Repeal of section 1 is proposed in Scotland because the new powers to establish Marine Protected Areas in Scotland’s territorial waters are to supersede the existing powers available to Scottish Ministers under section 1 of the Protection of Wrecks Act 1973.
- 300. [Paragraph 5](#) repeals the provisions in the Wildlife and Countryside Act 1981 allowing the establishment of marine nature reserves (MNRs) and the making of byelaws for their protection. This is because the new powers to establish marine protection areas make the powers to establish MNRs outdated. No MNRs have been established in Scotland since the power to create them was made in the 1981 Act.
- 301. [Paragraph 6](#) repeals section 3(2)(b) of, and paragraph 6 of Schedule 1 to, the Territorial Sea Act 1987.
- 302. [Paragraph 7](#) repeals paragraph 65(4) and (10) of Schedule 16 to the Local Government (Wales) Act 1994.
- 303. [Paragraph 8](#) repeals paragraph 125(3) of Schedule 13 to the Local Government etc. (Scotland) Act 1994.
- 304. [Paragraph 9](#) repeals paragraph 11(3) of schedule 7 to the Water Industry (Scotland) Act 2002.