



Marine (Scotland) Act 2010

2010 asp 5

PART 3

MARINE PLANNING

Decisions of public authorities affected by a marine plan

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- (1) A public authority must take any authorisation or enforcement decision in accordance with the appropriate marine plans, unless relevant considerations indicate otherwise.
- (2) If a public authority makes an authorisation or enforcement decision otherwise than in accordance with the appropriate marine plans, it must state its reasons.
- (3) A public authority must have regard to the appropriate marine plans in making any decision—
 - (a) which relates to the exercise by them of any function capable of affecting the whole or any part of the Scottish marine area, but
 - (b) which is not an authorisation or enforcement decision.
- (4) In this section—
 - (a) an “authorisation or enforcement decision” is any of the following—
 - (i) the determination of any application (whenever made) for authorisation of the doing of any act which affects or might affect the whole or any part of the Scottish marine area,
 - (ii) any decision relating to any conditions of any such authorisation,
 - (iii) any decision about extension, replacement, variation, revocation or withdrawal of any such authorisation or any such conditions (whenever granted or imposed),
 - (iv) any decision relating to the enforcement of any such authorisation or any such conditions,
 - (v) any decision relating to the enforcement of any prohibition or restriction (whenever imposed) on the doing of any act, or of any act of any description, falling within sub-paragraph (i),
 - (b) “the appropriate marine plans” are—

Status: This is the original version (as it was originally enacted).

- (i) a national marine plan which is in effect,
- (ii) to the extent that a decision falling within subsection (1) or (3) relates to a Scottish marine region, any regional marine plan which is in effect for the region.

(5) In this section—

“act” includes omission,

“authorisation” means any approval, confirmation, consent, licence, permission or other authorisation (however described), whether special or general.