# Marine (Scotland) Act 2010

**2010 asp 5**

## PART 3

MARINE PLANNING

*Validity of marine plans*

### 18 Powers of the Court of Session on an application under section 17

(1) This section applies in any case where an application is made to the Court of Session ("the Court") under section 17.

(2) The Court may make an interim order suspending the operation of the relevant document—

(a) wholly or in part,

(b) generally or as it affects a particular area,

and an interim order has effect until the proceedings are finally determined.

(3) Subsection (4) applies if the Court is satisfied as to any of the following—

(a) that a relevant document is to any extent outside the appropriate powers,

(b) that the interests of the applicant have been substantially prejudiced by failure to comply with a procedural requirement.

(4) The Court may—

(a) quash the relevant document,

(b) remit the relevant document to the Scottish Ministers.

(5) If the Court remits the relevant document under subsection (4)(b), it may give directions as to the action to be taken in relation to the relevant document.

(6) Directions under subsection (5) may in particular—

(a) require the relevant document to be treated (generally or for specified purposes) as not having been adopted or published,

(b) require specified steps in the process that has resulted in the adoption of the relevant document to be treated (generally or for specified purposes) as having been taken or not having been taken,

(c) require action to be taken by the Scottish Ministers.

(7) The powers of the Court under subsections (4) and (5) are exercisable in relation to the whole or any part of the relevant document.

**Commencement Information**

**I1** S. 18 in force at 1.7.2010 by S.S.I. 2010/230, **art. 2(a)**

**Status:**
Point in time view as at 01/07/2010.

**Changes to legislation:**
There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 18.