



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 5

#### MARINE PROTECTION AND ENHANCEMENT: THE SCOTTISH MARINE PROTECTION AREA

##### *Nature Conservation MPAs*

#### **69 Nature Conservation MPAs: further provision**

- (1) A designation order designating an area as a Nature Conservation MPA—
  - (a) must identify the area's boundaries,
  - (b) may provide for a boundary to be determined by, or by reference to, mean high water spring tide.
- (2) A Nature Conservation MPA may include (in addition to an area of sea referred to in section 67(1)) an area of seashore lying above mean high water spring tide if—
  - (a) the area of seashore adjoins the area of sea, and
  - (b) any of the conditions in subsection (3) is satisfied.
- (3) The conditions are that—
  - (a) the protected feature or features leading to the designation of the area of sea is or are also present in the area of seashore,
  - (b) the area of sea is designated for the purpose of conserving marine flora or fauna which are dependent (wholly or in part) on anything which takes place in, or is present in, the area of seashore,
  - (c) without the inclusion of the area of seashore, the identification of the boundary of the Nature Conservation MPA (either in the order designating the MPA or on the ground for the purposes of exercising functions in relation to it) would be impossible or impracticable.