

*These notes refer to the Marine Act (Northern Ireland) 2013
(c.10) which received Royal Assent on 17 September 2013*

Marine Act (Northern Ireland) 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Marine Protection

Section 22: General duties of public authorities in relation to MCZs

This section places a general duty on a public authority (defined in section 48) to carry out its functions in the manner that it considers best furthers – or, where that is not possible, least hinders - the conservation objectives set for MCZs. The duty only applies so far as is consistent with the proper exercise of a public authority’s functions and only where such functions may have a more than insignificant effect on the MCZ.

If a public authority (other than the Department) thinks that the exercise of its functions would or might significantly hinder the conservation objectives of an MCZ, it has to notify the Department.

Subsections (4) to (8) provide that a public authority must inform the Department if it intends to carry out an activity which might significantly hinder the conservation objectives of the MCZ. This duty does not apply if standing advice from the Department under section 24 applies.

Where a public authority has notified the Department under subsection (5), the authority must wait 28 days before deciding whether to go ahead as planned. However, this 28-day rule does not apply if the Department notifies the authority that it need not wait or if the situation is urgent.

Subsections (9) and (10) require a public authority to inform the Department when it considers that an offence (in relation to which it has functions) has occurred that will or may significantly hinder the achievement of an MCZ’s conservation objectives.

Subsection (11) requires a public authority to have regard to any advice issued by the Department under section 24.