

MARINE AND COASTAL ACCESS ACT 2009

EXPLANATORY NOTES

SUMMARY AND BACKGROUND

Part 5: Nature Conservation

Chapter 1: Marine Conservation Zones

Designation of zones

Section 119: Consultation before designation

341. This section requires Ministers to carry out public consultation before designating an MCZ. *Subsections (2) and (3)* require notice of a proposed designation order to be published. This enables parties likely to be affected by a proposed order to have the opportunity to have their interests taken into account.
342. *Subsections (5) to (9)* provide for consultation between the Ministers so that each has the opportunity to comment if their respective waters might be affected by the making of a designation order.
343. *Subsection (10)* requires the appropriate authority to make a decision regarding designation of an individual MCZ within 12 months of publishing the notice. Failure to designate a site within that time will mean that the process will need to begin again before an area may be designated as an MCZ.
344. *Subsections (11) and (12)* provide an exemption from the general consultation requirement if there is an urgent need to designate an MCZ, though Ministers would still be required to consult each other. In such cases, an urgent order may only remain in force for up to two years before the end of which consultation in accordance with *subsections (2) to (9)* will be required for an order confirming the designation.