



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 3

MARINE PLANNING

CHAPTER 4

IMPLEMENTATION AND EFFECT

Decisions affected by an MPS or marine plan

59 The appropriate marine policy documents

- (1) This section has effect for the purpose of determining what are the appropriate marine policy documents for a public authority taking a decision falling within subsection (1) or (3) of section 58.
- (2) For that purpose—
 - (a) subsection (3) has effect, subject to subsection (4), for determining whether any marine plan is an appropriate marine policy document, and
 - (b) subsection (5) has effect for determining whether an MPS is an appropriate marine policy document.
- (3) To the extent that the decision relates to a marine plan area, any marine plan which is in effect for that area is an appropriate marine policy document.
- (4) A marine plan for an area in a devolved marine planning region is an appropriate marine policy document in relation to the exercise of retained functions by a public authority only if—
 - (a) it contains a statement under section 51(8) that it includes provision relating to retained functions,
 - (b) it was adopted with the agreement of the Secretary of State under paragraph 15(2) of Schedule 6, and

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- (c) it was prepared and adopted at a time when an MPS was in effect which governed marine planning for the marine planning region.
- (5) Any MPS which is in effect is an appropriate marine policy document for each of the following public authorities—
- (a) any Minister of the Crown;
 - (b) any government department;
 - (c) if a devolved policy authority has adopted the MPS, the devolved policy authority and any primary devolved authority related to it;
 - (d) any non-departmental public authority, so far as carrying out functions in relation to the English inshore region or the English offshore region;
 - (e) any non-departmental public authority, so far as carrying out retained functions in relation to a devolved marine planning region;
 - (f) any non-departmental public authority, so far as carrying out secondary devolved functions in relation to a marine planning region whose marine plan authority is a policy authority which adopted the MPS.
- (6) For the purposes of subsection (5)(f)—
- (a) the Scottish Ministers are to be treated as if they were the marine plan authority for the Scottish inshore region, and
 - (b) the Department of the Environment in Northern Ireland is to be treated as if it were the marine plan authority for the Northern Ireland inshore region.
- (7) In this section—
- “adopted”, in relation to an MPS, means adopted and published in accordance with Schedule 5 (but see also section 48(4));
 - “Counsel General” means the Counsel General to the Welsh Assembly Government;
 - “devolved marine planning region” means any marine planning region other than—
 - (a) the English inshore region, and
 - (b) the English offshore region;
 - “devolved policy authority” means—
 - (a) the Scottish Ministers;
 - (b) the Welsh Ministers;
 - (c) the Department of the Environment in Northern Ireland;
 - “First Minister” has the same meaning as in the Government of Wales Act 2006 (c. 32);
 - “non-departmental public authority” means any public authority other than—
 - (a) a Minister of the Crown or government department;
 - (b) the Scottish Ministers;
 - (c) the Welsh Ministers, the First Minister or the Counsel General;
 - (d) a Northern Ireland Minister or a Northern Ireland department;
 - “Northern Ireland Minister”—
 - (a) has the same meaning as in the Northern Ireland Act 1998 (c. 47), but
 - (b) includes a reference to the First Minister and the deputy First Minister, within the meaning of that Act;

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“primary devolved authority”, in relation to a devolved policy authority, means—

- (a) in the case of the Welsh Ministers, the First Minister or the Counsel General;
- (b) in the case of the Department of the Environment in Northern Ireland, a Northern Ireland Minister or a Northern Ireland department;

“retained functions” is defined for the purposes of this Part in section 60;

“secondary devolved functions” has the same meaning as in section 60.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 72A(2A) inserted by [2023 c. 55 s. 232\(2\)\(d\)](#)
- s. 72A(6)(a) words in s. 72A(6) renumbered as s. 72A(6)(a) by [2023 c. 55 s. 232\(2\)\(f\)\(i\)](#)
- s. 72A(6)(a) words inserted by [2023 c. 55 s. 232\(2\)\(f\)\(ii\)](#)
- s. 72A(6)(b) and word inserted by [2023 c. 55 s. 232\(2\)\(f\)\(iii\)](#)
- Sch. 6 para. 1(2)(da) inserted by [2023 c. 55 Sch. 8 para. 31\(2\)\(a\)](#)