



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 3

MARINE PLANNING

CHAPTER 4

IMPLEMENTATION AND EFFECT

Monitoring and reporting

61 Monitoring of, and periodical reporting on, implementation

- (1) This section makes provision for and in connection with imposing the following duties on a marine plan authority—
 - (a) where it has prepared and adopted a marine plan, a duty to keep the matters specified in subsection (3) under review for so long as the marine plan is in effect (see subsections (2) and (3));
 - (b) in any such case, a duty to prepare and publish, and lay a copy of, a report on those matters at intervals of not more than 3 years (see subsections (4) to (9));
 - (c) in any case, a duty to prepare, and lay, at intervals of not more than 6 years ending before 1st January 2030, a report on—
 - (i) any marine plans it has prepared and adopted,
 - (ii) its intentions for their amendment, and
 - (iii) its intentions for the preparation and adoption of any further marine plans,(see subsections (10) to (13)).
- (2) For so long as a marine plan is in effect, the marine plan authority must keep under review each of the matters in subsection (3).
- (3) The matters are—

Status: This is the original version (as it was originally enacted).

- (a) the effects of the policies in the marine plan;
 - (b) the effectiveness of those policies in securing that the objectives for which the marine plan was prepared and adopted are met;
 - (c) the progress being made towards securing those objectives;
 - (d) if an MPS governs marine planning for the marine plan authority's region, the progress being made towards securing that the objectives for which the MPS was prepared and adopted are met in that region.
- (4) The marine plan authority must from time to time prepare and publish a report on the matters kept under review pursuant to subsection (2).
- (5) Where the marine plan authority publishes a report under subsection (4), the authority must lay a copy of the report before the appropriate legislature.
- (6) After publishing a report under subsection (4), the marine plan authority must decide whether or not to amend or replace the marine plan.
- (7) The first report under subsection (4) must be published before the expiration of 3 years beginning with the date on which the marine plan was adopted.
- (8) After the publication of the first report under subsection (4), successive reports under that subsection must be published at intervals of no more than 3 years following the date of publication of the previous report.
- (9) Any reference in this section to the replacement of a marine plan is a reference to—
 - (a) preparing and adopting, in accordance with the provisions of this Part, a fresh marine plan (whether or not for the identical marine plan area), and
 - (b) if the marine plan authority has not already done so, withdrawing the marine plan that is to be replaced.
- (10) Each marine plan authority must from time to time prepare and lay before the appropriate legislature a report which—
 - (a) identifies any marine plans which the authority has prepared and adopted;
 - (b) describes any intentions the authority may have for the amendment of any marine plans which it has prepared and adopted;
 - (c) describes any intentions the authority may have for the preparation and adoption of any further marine plans.
- (11) The first report prepared under subsection (10) by each marine plan authority must be laid before the appropriate legislature before the expiration of the period of 6 years beginning with the date of the passing of this Act.
- (12) After a marine plan authority has prepared and laid its first report under subsection (10), it must prepare and lay successive reports under that subsection at intervals of no more than 6 years following the laying of the previous report.
- (13) No report under subsection (10) is required to be laid in a case where the period of 6 years following the laying of the previous report ends on or after 1st January 2030.
- (14) For the purposes of this section, the “appropriate legislature” is—
 - (a) in the case of the Secretary of State, Parliament;
 - (b) in the case of the Scottish Ministers, the Scottish Parliament;
 - (c) in the case of the Welsh Ministers, the National Assembly for Wales;

- (d) in the case of the Department of the Environment in Northern Ireland, the Northern Ireland Assembly.