
STATUTORY INSTRUMENTS

2010 No. 1627

The Marine Strategy Regulations 2010

PART 4

Procedural requirements

Public participation

18.—(1) The competent authority must consult the public to ensure the public is given an early opportunity to participate in the preparation, modification or review of any—

- (a) monitoring programmes required by regulation 13; or
- (b) programme of measures required by regulation 14.

(2) The Secretary of State must consult the public to ensure the public is given an early opportunity to participate in the preparation, modification or review of any—

- (a) assessment required by regulation 10;
- (b) determination of good environmental status required by regulation 11; or
- (c) environmental targets and indicators required by regulation 12.

(3) The competent authority must—

- (a) inform the public as to its proposal, including a summary of the relevant element of the marine strategy mentioned in paragraph (1) or (2), any relevant background information, and the right of the public to participate in the relevant decision-making process;
- (b) specify the means by which the public can participate in the consultation, including an address for responses, and a reasonable timescale for the consultation; and
- (c) take account of the consultation responses in making any relevant decision.

(4) The competent authority must take such steps as they consider appropriate to secure that the proposals contained in the consultation draft are brought to the attention of the public, including any persons appearing to the relevant authorities to be likely to be interested in, or affected by, the proposed policies.

(5) If the consultation includes proposals relating to retained functions, it may be published only with the agreement of the Secretary of State.

(6) If the consultation includes proposals relating to devolved functions, it may be published only with the agreement of the relevant devolved policy authority.

(7) Where the competent authority takes a decision in relation to its proposal, following a consultation, it must—

- (a) inform the public of that decision;
- (b) provide information as to the reasons and considerations on which that decision is based; and
- (c) provide a statement of the steps taken by the competent authority, or the Secretary of State (as the case may be) to comply with paragraphs (1) to (4), as appropriate.

(8) For the purpose of this regulation, “the public” includes the OSPAR Commission and any other interested organ of an international organisation.