

*These notes relate to the Marine (Scotland) Act 2010
(asp 5) which received Royal Assent on 10 March 2010*

MARINE (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT

Part 3 – Marine Planning

Validity of marine plans

Section 17 - Validity of national marine plans and regional marine plans

27. *Section 17* sets out how a person aggrieved by the national marine plan or a regional marine plan may challenge the contents if thought not to be within the appropriate powers or if it is considered that a procedural requirement has not been met. An application to the Court of Session must be made no later than 6 weeks after the publication of the relevant documents.

Section 18 - Powers of the Court of Session on an application under section 17

28. *Section 18* sets out the powers of the Court when hearing a challenge to the validity of a plan. Section 18(2) allows the courts to make an interim order suspending the operation of the relevant document until the proceedings are over. If the complaint is upheld the courts can quash the relevant document or remit it back to the Scottish Ministers and give directions as to the actions that are to be taken.