

MARINE (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT

Part 5 – Marine Protection and Enhancement: the Scottish Marine Protection Area

Marine management schemes

Section 99 - Marine management schemes

154. **Section 99** makes explicit provision for relevant authorities (either individually or acting together with another authority or authorities) to establish one or more management schemes for Nature Conservation and Demonstration and Research MPAs and any European marine site situated in the Scottish marine area which is included in whole or in part in, or includes in whole or in part, or adjoins, a Nature Conservation or Demonstration and Research MPA. The purpose of management schemes is to further the conservation objectives or stated purpose of an MPA or the protection of a European marine site to which a management scheme applies. Under the scheme, the relevant authority's functions are exercised to that effect. Management schemes may be time limited and amended from time to time. "Relevant authority" here means any public body exercising functions in the Scottish marine protection area or the Scottish Ministers.

Section 100 - Review of schemes

155. **Section 100** requires any established management scheme to be reviewed five years after it is established and at intervals of five years after that.

Section 101 - Marine management schemes: consultation etc.

156. **Section 101** requires that Scottish Natural Heritage is consulted over the making or amending of schemes. Scottish Ministers and Scottish Natural Heritage must be informed of any amendments to a scheme.

Section 102 - Directions as to making, amending or revocation of schemes

157. **Section 102** enables Scottish Ministers to give directions to relevant authorities as to the making of management schemes.
158. A direction may in particular require one or more schemes to be made, require conservation or other measures specified in the direction to be included in a scheme, where a scheme is to be made by more than one relevant authority acting together, appoint one such authority to co-ordinate the making of it, set time limits within which any steps in relation to the making of the scheme are to be taken, require the approval of the Scottish Ministers before a scheme is made and require any relevant authority to give Scottish Ministers such information relating to the making of a scheme as may be specified in the direction.

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

159. Scottish Ministers may also give directions (whether general or specific) to an authority or authorities as to the amendment of a marine management scheme, and they may revoke a marine management scheme by a direction given to the relevant authority or authorities. Any direction given under section 102 must be in writing.
160. Relevant authorities must comply with directions from Ministers to establish or amend marine management schemes.