



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 3

#### MARINE PLANNING

##### *Marine plans*

#### **5 National marine plan and regional marine plans**

- (1) The Scottish Ministers must prepare and adopt in accordance with schedule 1 a national marine plan for the Scottish marine area.
- (2) The Scottish Ministers may prepare and adopt in accordance with that schedule a regional marine plan for any Scottish marine region (see subsection (5)).
- (3) A national marine plan or (as the case may be) a regional marine plan is a document which—
  - (a) states the Scottish Ministers' policies (however expressed) for and in connection with the sustainable development of the area to which the plan applies,
  - (b) states the Scottish Ministers' policies on the contribution of—
    - (i) Nature Conservation MPAs (namely areas designated as such by order under section 67(1)(a)), and
    - (ii) sites falling within section 79(4),to the protection and enhancement of the area to which the plan applies,
  - (c) states that it is a national marine plan or (as the case may be) a regional marine plan prepared and adopted for the purposes of this section.
- (4) For the purposes of preparing a national marine plan or (as the case may be) a regional marine plan, the Scottish Ministers must—
  - (a) set—
    - (i) economic, social and marine ecosystem objectives,
    - (ii) objectives relating to the mitigation of, and adaptation to, climate change,

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- (b) prepare an assessment of the condition of the Scottish marine area or, as the case may be, Scottish marine region at the time of the plan's preparation,
  - (c) prepare a summary of significant pressures and the impact of human activity on the area or region.
- (5) The Scottish Ministers may by order designate any part of the Scottish marine area as a Scottish marine region; and any such order must identify the boundaries of the Scottish marine region.
- (6) A national marine plan or (as the case may be) a regional marine plan may also include statements or information relating to policies contained in the plan.
- (7) If to any extent a policy stated in a national marine plan or a regional marine plan conflicts with any other statement or information in the plan, that conflict must be resolved in favour of the policy.

#### Commencement Information

**II** S. 5 in force at 1.7.2010 by S.S.I. 2010/230, art. 2(a)

## 6 Conformity of marine plans with other documents

- (1) A national marine plan and a regional marine plan must be in conformity with any marine policy statement currently in effect for the Scottish marine area, unless relevant considerations indicate otherwise.
- (2) A regional marine plan must be in conformity with any national marine plan currently in effect, unless relevant considerations indicate otherwise.
- (3) For the purposes of this Part, a marine policy statement is “currently in effect” for the Scottish marine area if—
- (a) the statement has been adopted by the Scottish Ministers in accordance with Schedule 5 to the 2009 Act,
  - (b) the statement has been published in accordance with paragraph 12 of that Schedule,
  - (c) the statement has not been replaced by a later marine policy statement (see section 45(3) of that Act),
  - (d) the Scottish Ministers have not withdrawn from the statement in accordance with section 48 of that Act, and
  - (e) the statement has not been withdrawn (by virtue of the withdrawal of the Secretary of State in accordance with that section).

#### Commencement Information

**I2** S. 6 in force at 1.7.2010 by S.S.I. 2010/230, art. 2(a)

## 7 Coming into effect of marine plans

A national marine plan or (as the case may be) a regional marine plan comes into effect when the plan is published by the Scottish Ministers in accordance with schedule 1.

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**Commencement Information**

**I3** S. 7 in force at 1.7.2010 by S.S.I. 2010/230, art. 2(a)

**8 Amendment of marine plans**

- (1) A national marine plan or (as the case may be) a regional marine plan may be amended from time to time by the Scottish Ministers.
- (2) Any amendment of any such plan must be prepared and adopted in accordance with schedule 1.

**Commencement Information**

**I4** S. 8 in force at 1.7.2010 by S.S.I. 2010/230, art. 2(a)

**9 Withdrawal of marine plans**

- (1) The Scottish Ministers may withdraw a national marine plan or (as the case may be) a regional marine plan where they consider it appropriate to do so.
- (2) If they do so, they must publish notice of withdrawal in the Edinburgh Gazette; and the marine plan concerned ceases to have effect on the date of such publication.
- (3) The Scottish Ministers must also take such further steps as they consider appropriate to secure that the withdrawal of the marine plan concerned is brought to the attention of interested persons.
- (4) In this section, “interested persons” means—
  - (a) any persons appearing to the Scottish Ministers to be likely to be interested in, or affected by, the withdrawal of the marine plan concerned,
  - (b) members of the general public.
- (5) Following withdrawal of a national marine plan, the Scottish Ministers must prepare and adopt in accordance with schedule 1 a new national marine plan for the Scottish marine area as soon as is reasonably practicable.

**Commencement Information**

**I5** S. 9 in force at 1.7.2010 by S.S.I. 2010/230, art. 2(a)

**10 Effect of withdrawal from or of marine policy statement or of national marine plan**

- (1) Where the Scottish Ministers withdraw from a marine policy statement in accordance with section 48 of the 2009 Act, or a marine policy statement is withdrawn (by virtue of the withdrawal of the Secretary of State under that section), the withdrawal does not affect—
  - (a) the continuing validity or effect of a national marine plan or regional marine plan, or

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- (b) until such time as a new marine policy statement is in effect in relation to the Scottish marine area, the construction of any national or regional marine plan.
- (2) Where the Scottish Ministers withdraw a national marine plan, the withdrawal does not affect—
  - (a) the continuing validity or effect of a regional marine plan, or
  - (b) until such time as a new national marine plan is in effect, the construction of any regional marine plan.

#### Commencement Information

**I6** S. 10 in force at 1.7.2010 by S.S.I. 2010/230, art. 2(a)

## 11 Duty to keep relevant matters under review

- (1) The Scottish Ministers must keep under review the matters which may be expected to affect the exercise of their functions relating to—
  - (a) the designation of any area as a Scottish marine region,
  - (b) the preparation, adoption, amendment or withdrawal of a national marine plan or (as the case may be) a regional marine plan,
  - (c) keeping under review under section 16 in relation to any such plan the matters in subsection (2) of that section.
- (2) The matters include—
  - (a) as regards a national marine plan—
    - (i) the physical, environmental, social, cultural and economic characteristics of the Scottish marine area and of the living resources which the area supports,
    - (ii) the purposes for which any part of the area is used,
    - (iii) the communications, energy and transport systems for the area,
    - (iv) any other considerations which may be expected to affect those matters,
  - (b) as regards a regional marine plan—
    - (i) the physical, environmental, social, cultural and economic characteristics of the Scottish marine region to which the plan applies and of the living resources which the region supports,
    - (ii) the purposes for which any part of the region is used,
    - (iii) the communications, energy and transport systems of the region,
    - (iv) any other considerations which may be expected to affect those matters.
- (3) The matters also include—
  - (a) any changes which could reasonably be expected to occur in relation to any matter referred to in subsection (2),
  - (b) as regards a national marine plan, the effect that any such changes may have in relation to the sustainable development of the Scottish marine area, its natural resources, or the living resources dependent on the area,
  - (c) as regards a regional marine plan, the effect that any such changes may have in relation to the sustainable development of the Scottish marine region to

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which the plan applies, its natural resources, or the living resources dependent on the region.

(4) The reference—

- (a) in subsection (2)(a)(i) to the cultural characteristics of the Scottish marine area includes a reference to characteristics of the area which are of a historic or archaeological nature,
- (b) in subsection (2)(b)(i) to the cultural characteristics of a Scottish marine region includes a reference to characteristics of the region which are of a historic or archaeological nature.

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**Commencement Information**

**I7** [S. 11](#) in force at 1.7.2010 by [S.S.I. 2010/230](#), [art. 2\(a\)](#)

**Status:**

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**Changes to legislation:**

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