



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 5

#### MARINE PROTECTION AND ENHANCEMENT: THE SCOTTISH MARINE PROTECTION AREA

##### *Authorisation of things prohibited, regulated etc. by marine conservation orders*

#### **92 Authorisation of things prohibited, regulated etc. by a marine conservation order**

- (1) A marine conservation order may provide for the Scottish Ministers to issue permits authorising anything which would, apart from any such permit, be unlawful under the order.
- (2) The Scottish Ministers may attach to any such permit any condition which they consider appropriate.
- (3) A marine conservation order may, in so far as it applies to a Historic MPA, also provide for the Scottish Ministers—
  - (a) by direction issued to any persons (or categories of persons) specified in the order to authorise the doing by the persons of anything (or any category of thing) specified in the direction which would, apart from the direction, be unlawful under the order,
  - (b) by direction issued generally to authorise the doing by any person of any thing or category of thing specified in the order which would, apart from the direction, be unlawful under the order.
- (4) A direction under subsection (3) may attach to any authorisation given by it any condition which the Scottish Ministers consider appropriate.
- (5) Any provision in a marine conservation order of the kind referred to in this section may include provision for the procedure to apply in relation to the making of applications, and the determination of applications, for such permits or authorisations.

### **93 Delegation of issuing permits or authorisations**

- (1) A marine conservation order may provide for the Scottish Ministers by direction to delegate to any person (or group of persons) specified in the direction the issuing of permits of the kind described in section 92(1), or such permits in relation to such things (or such things in such circumstances) as are specified in the order.
- (2) A marine conservation order may, in so far as it applies to a Historic MPA, provide for the Scottish Ministers by direction to delegate to any person (or group of persons) specified in the direction the issuing of authorisations of the kind described in section 92(3), or such authorisations in relation to such things (or things in such circumstances) as are specified in the order.