



Marine (Scotland) Act 2010

2010 asp 5

PART 5

MARINE PROTECTION AND ENHANCEMENT: THE SCOTTISH MARINE PROTECTION AREA

Marine conservation orders

87 Procedure for marine conservation orders

- (1) Before making a marine conservation order (or an order amending or revoking any such order), the Scottish Ministers must comply with subsections (2) to (7) (except where section 88 provides otherwise).
- (2) The Scottish Ministers must send a copy of a draft of the order to any persons the Ministers consider are likely to be interested in or affected by the making of the order.
- (3) The Scottish Ministers must place a copy of the draft of a marine conservation order or (as the case may be) the draft of an order amending or revoking any such order in such place or places as they consider is or are likely to be most convenient for the purpose of enabling it to be inspected by persons likely to be affected by the making of the order.
- (4) The Scottish Ministers—
 - (a) must provide a copy of a draft of an order to any person who requests one,
 - (b) may charge a fee, not exceeding their expenses in doing so, for providing a copy under this subsection,
- (5) Where the proposed order would apply to an area any part of which is land, the Scottish Ministers must provide a copy of a draft to the planning authority in whose district the land is situated.
- (6) The Scottish Ministers must publish notice of their proposal to make an order.
- (7) The notice must—
 - (a) be published in such manner as the Scottish Ministers consider is most likely to bring the proposal to the attention of any persons who are likely to be affected by the making of it,
 - (b) state where the copy or copies of the draft order have been placed by the Scottish Ministers in accordance with subsection (3),

Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 87. (See end of Document for details)

- (c) state the time within which representations about the draft order must be made to the Scottish Ministers.
- (8) In subsection (5), “planning authority” and “the district” of a planning authority have the same meaning as in section 1(1) of the Town and Country Planning (Scotland) Act 1997 (c.8).

Commencement Information

II [S. 87](#) in force at 1.7.2010 by [S.S.I. 2010/230](#), [art. 2\(b\)](#)

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