
STATUTORY INSTRUMENTS

2010 No. 1627

The Marine Strategy Regulations 2010

PART 4

Procedural requirements

Notification

17.—(1) The Secretary of State must notify the Commission of—

- (a) an assessment under regulation 10 within 3 months of the determination of the characteristics of good environmental status under regulation 11;
- (b) the determination of the characteristics of good environmental status under regulation 11 within 3 months of that determination;
- (c) the environmental targets and indicators established under regulation 12 within 3 months of the establishment of those targets and indicators;
- (d) the monitoring programme established under regulation 13 within 3 months of its establishment;
- (e) the programme of measures published under regulation 14 within 3 months of its publication;
- (f) any changes made to any element of the marine strategy within 3 months of the publication of any review;
- (g) a list of the competent authorities specified for the purposes of these Regulations, together with the information required by Annex 2, by 15th January 2011; and
- (h) any change to the information provided under sub-paragraph (g) within 6 months of such a change coming into effect.

(2) The Secretary of State must provide the Commission with a brief interim report describing the progress made in implementing the programme of measures within 3 years of the publication of that programme and within 3 years of any update to that programme.

(3) The Secretary of State must also send any information under paragraph 1(f) to other relevant member States and to the OSPAR Commission⁽¹⁾ within the same time limit.

Public participation

18.—(1) The competent authority must consult the public to ensure the public is given an early opportunity to participate in the preparation, modification or review of any—

- (a) monitoring programmes required by regulation 13; or
- (b) programme of measures required by regulation 14.

(1) The Oskar Commission was established under article 10 of the Convention for the Protection of the Marine Environment of the North-east Atlantic (known as the “Oskar Convention”).

(2) The Secretary of State must consult the public to ensure the public is given an early opportunity to participate in the preparation, modification or review of any—

- (a) assessment required by regulation 10;
- (b) determination of good environmental status required by regulation 11; or
- (c) environmental targets and indicators required by regulation 12.

(3) The competent authority must—

- (a) inform the public as to its proposal, including a summary of the relevant element of the marine strategy mentioned in paragraph (1) or (2), any relevant background information, and the right of the public to participate in the relevant decision-making process;
- (b) specify the means by which the public can participate in the consultation, including an address for responses, and a reasonable timescale for the consultation; and
- (c) take account of the consultation responses in making any relevant decision.

(4) The competent authority must take such steps as they consider appropriate to secure that the proposals contained in the consultation draft are brought to the attention of the public, including any persons appearing to the relevant authorities to be likely to be interested in, or affected by, the proposed policies.

(5) If the consultation includes proposals relating to retained functions, it may be published only with the agreement of the Secretary of State.

(6) If the consultation includes proposals relating to devolved functions, it may be published only with the agreement of the relevant devolved policy authority.

(7) Where the competent authority takes a decision in relation to its proposal, following a consultation, it must—

- (a) inform the public of that decision;
- (b) provide information as to the reasons and considerations on which that decision is based; and
- (c) provide a statement of the steps taken by the competent authority, or the Secretary of State (as the case may be) to comply with paragraphs (1) to (4), as appropriate.

(8) For the purpose of this regulation, “the public” includes the OSPAR Commission and any other interested organ of an international organisation.