

*These notes refer to the Marine Act (Northern Ireland) 2013
(c.10) which received Royal Assent on 17 September 2013*

Marine Act (Northern Ireland) 2013

EXPLANATORY NOTES

BACKGROUND AND POLICY OBJECTIVES

3. It is accepted that the United Kingdom's marine environment is not a limitless resource, and that the potential for competition and conflict between the various activities which take place there is increasing. Those activities, both separately and cumulatively, may also have environmental impacts in the long term which would require mitigation.
4. In addition, the framework of domestic and international legislation used to manage the United Kingdom's seas had evolved over a number of years and was complex and potentially confusing.
5. In recognition of this situation, the United Kingdom Government and devolved Administrations committed jointly to the introduction of new marine legislation based on sustainable development principles.
6. This commitment was first formalised by the Northern Ireland Executive in March 2008 when it agreed to new marine legislation being introduced in Northern Ireland. The aim was to establish a new framework for the marine environment based on a strategic system of marine planning that would balance environmental, social and economic needs and therefore, contribute to the sustainable development of Northern Ireland's marine waters.
7. Due to the nature of the devolution settlement for Northern Ireland, and the complex mix of devolved and non-devolved functions, this framework has been achieved in Northern Ireland through three interlocking pieces of legislation:
 - the [Marine and Coastal Access Act 2009 \(c.23\)](#), which received Royal Assent on 12 November 2009;
 - [United Kingdom-wide Marine Strategy Regulations 2010 \(No.1627\)](#), which came into operation on 15 July 2010, and which transpose the Marine Strategy Framework Directive ([2008/56/EC](#)); and
 - the Marine Act (Northern Ireland) 2013.
8. The Marine Act (Northern Ireland) 2013 builds on the provisions set out in the Marine and Coastal Access Act 2009 (the 2009 Act). It establishes a strategic system of marine planning in Northern Ireland's inshore region (out to 12 nautical miles) that will be proactive, co-ordinated and responsive; assists in the

delivery of a modernised licensing and enforcement regime that is streamlined, consistent and promotes integrated decision making; and contributes to the delivery of the United Kingdom's aim of establishing an "ecologically coherent network of Marine Protected Areas", so that marine biodiversity is protected and international and European commitments are met.

9. It will contribute ultimately to the United Kingdom's vision of clean, healthy, safe, productive and biologically diverse oceans and seas.
10. Sustainable development is at the heart of the Marine Act (Northern Ireland) 2013. The Northern Ireland (Miscellaneous Provisions) Act 2006 places a duty on all public authorities in respect of sustainable development.
11. The aims of this duty are further explained in the Executive's Sustainable Development Strategy entitled 'Everyone's Involved', which was published in April 2010.
12. The sustainable development aims for the marine environment were set out in the High Level Marine Objectives which were published jointly by all the UK Administrations in April 2009. This document laid the foundation for the development of the Marine Policy Statement and ultimately marine plans.
13. The Sustainable Development Strategy makes a strong connection to the importance of adapting to and mitigating climate change, and the UK Climate Change Act 2008 places a duty on the Department to develop a programme for adaptation to climate change. Both the effects and mitigation in respect of climate change are reflected in the High Level Marine Objectives and the Marine Policy Statement, which form the framework for marine planning.
14. The policies reflected in the Act have been informed by a series of consultation exercises undertaken over a number of years, including the 2004 Marine Spatial Planning Project in the Irish Sea.
15. There was also a United Kingdom-wide consultation on proposals for a United Kingdom Marine Act in March 2006, the responses from which provided a significant evidence base that contributed to further assessment of the proposals and led to the publication of a United Kingdom Marine Act White Paper in 2007. This was followed by consultation on a draft United Kingdom Marine Act in 2008, and ultimately introduction of the Marine and Coastal Access Act 2009.
16. The Department has been closely associated with each of these consultations and a number of associated stakeholder events, all of which helped inform its consultation on the policy proposals for the Act.
17. The Department consulted on those policy proposals between 10 April and 9 July 2010, receiving 41 responses from a variety of interests. All those who provided responses were supportive of the policy proposals, and no substantive changes were sought.

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18. Responses emphasised the importance of widespread stakeholder engagement; called for flexible, simple and clear processes; and sought assurances that, in keeping with the principles of sustainable development, the optimum environmental, social and economic benefits would be achieved for Northern Ireland.
19. The Bill was introduced to the Northern Ireland Assembly on 21 February 2012. Following the Second Stage debate on 5 March 2012, the Bill was referred to the Environment Committee. Following extensive consideration the Committee published its report (on 5 July 2012) and two addendum reports, before the Bill returned to the Assembly for Consideration Stage on 30 April 2013. The Bill passed to Further Consideration Stage on 13 May 2013 and received the agreement of the Assembly at Final Stage on 21 May 2013. The Marine Act (Northern Ireland) 2013 received Royal Assent on 17 September 2013.