



## 2013 CHAPTER 10

### Part 2

#### Marine Planning

##### *Validity of marine plans and amendments*

##### **Validity of marine plans**

**10.—**(1) This section applies to—

- (a) any marine plan,
- (b) any amendment of a marine plan.

(2) Anything falling within the paragraphs of subsection (1) is referred to in this section as a “relevant document”.

(3) A relevant document must not be questioned in any legal proceedings, except in so far as is provided by the following provisions of this section.

(4) A person aggrieved by a relevant document may make an application to the High Court on any of the following grounds—

- (a) that the document is not within the appropriate powers;
- (b) that a procedural requirement has not been complied with.

(5) Any such application must be made not later than 12 weeks after the publication of the relevant document.

(6) In this section—

“the appropriate powers” means the powers conferred by sections 4 to 7 or Schedule 1;

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*Changes to legislation: There are currently no known outstanding effects for the Marine Act (Northern Ireland) 2013, Cross Heading: Validity of marine plans and amendments. (See end of Document for details)*

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“procedural requirement” means any requirement under the appropriate powers which relates to the preparation, adoption or publication of a relevant document.

### **Powers of the High Court on an application under section 10**

**11.—(1)** This section applies in any case where an application under section 10 is made to the High Court.

(2) The court may make an interim order suspending the operation of the relevant document—

- (a) wholly or in part,
- (b) generally or as it affects a particular area;

and an interim order has effect until the proceedings are finally determined.

(3) Subsection (4) applies if the court is satisfied as to any of the following—

- (a) that a relevant document is to any extent outside the appropriate powers;
- (b) that the interests of the applicant have been substantially prejudiced by failure to comply with a procedural requirement.

(4) The court may—

- (a) quash the relevant document;
- (b) remit the relevant document to the Department.

(5) If the court remits the relevant document under subsection (4)(b), it may give directions as to the action to be taken in relation to the relevant document.

(6) Directions under subsection (5) may in particular—

- (a) require the relevant document to be treated (generally or for specified purposes) as not having been adopted or published;
- (b) require specified steps in the process that has resulted in the adoption of the relevant document to be treated (generally or for specified purposes) as having been taken or as not having been taken;
- (c) require action to be taken by the Department.

(7) The court's powers under subsections (4) and (5) are exercisable in relation to the whole or any part of the relevant document.

(8) Expressions used in this section and in section 10 have the same meaning in this section as they have in that section.

**Changes to legislation:**

There are currently no known outstanding effects for the Marine Act (Northern Ireland) 2013, Cross Heading: Validity of marine plans and amendments.