2013 CHAPTER 10

Part 3

Marine protection

Designation procedure

Consultation before designation

16.—(1) Before making an order under section 13, the Department must comply with subsections (2) to (4).

(2) The Department must publish notice of its proposal to make the order.

(3) The notice under subsection (2) must—

(a) be published in such manner as the Department thinks is most likely to bring the proposal to the attention of any persons who are likely to be affected by the making of the order;

(b) contain a statement of the terms of the proposed order.

(4) The Department must consult—

(a) the Secretary of State; and

(b) any other persons who the Department thinks are likely to be interested in, or affected by, the making of the order.

(5) If the Department fails to make the order before the end of the period of 12 months beginning with the date on which notice was published under subsection (2), then anything done by the Department for the purposes of complying with subsections (2) to (4) of this section is, for those purposes, to be treated as not having been done.

(6) In a case where the Department thinks that there is an urgent need to protect the area proposed to be designated as an MCZ, the Department need not comply with subsections (2), (3) and (4)(b).

(7) In such a case, the order designating the area as an MCZ remains in operation for a period not exceeding two years, unless the Department makes a further order before the end of that period confirming the designation.

(8) Before making such an order, the Department must comply with subsections (2) to (4) (and subsection (5) applies accordingly).

Publication of orders

17.—(1) This section applies where an order has been made under section 13.

(2) The Department must publish notice of the making of the order.

(3) The notice under subsection (2) must—

(a) be published in such manner as the Department thinks is most likely to bring the order to the attention of any persons who are likely to be affected by the making of it;

(b) give an address at which a copy of the order may be inspected.

(4) The Department must—

(a) make a copy of the order available for inspection at the address specified under subsection (3)(b) at all reasonable hours without payment;

(b) provide a copy of the order to any person who requests one.

(5) The Department may charge a fee, not exceeding its costs, for providing a copy under subsection (4)(b).

Hearings

18.—(1) This section applies where the Department has the function of deciding whether to make an order under section 13 designating an area as an MCZ.

(2) The Department may, before making that decision, give to any person the opportunity of—

(a) appearing before and being heard by a person appointed for that purpose;

(b) providing written representations to such a person.

(3) The Department may make regulations providing for the procedure to be followed (including decisions as to costs) at hearings held under subsection (2).

(4) A person appointed under subsection (2) must make a report to the Department of any oral or written representations made under that subsection.

Review of orders

19 The Department must review any order it has made under section 13 if the Department receives representations that the order should be amended or revoked from—

(a) the Secretary of State,

(b) the Scottish Ministers, or

(c) the department of the Government of Ireland with responsibility for marine conservation in any area adjoining or adjacent to the area designated by the order.

Changes to legislation:
There are currently no known outstanding effects for the Marine Act (Northern Ireland) 2013, Cross Heading: Designation procedure.