



2013 CHAPTER 10

Part 3

Marine protection

Duties of public authorities

General duties of public authorities in relation to MCZs

22.—(1) This section applies to any public authority having any function the exercise of which is capable of affecting (other than insignificantly)—

- (a) the protected features of an MCZ;
- (b) any ecological or geomorphological process on which the conservation of any protected feature of an MCZ is (wholly or in part) dependent.

(2) Every public authority to which this section applies must (so far as is consistent with their proper exercise)—

- (a) exercise its functions in the manner which the authority considers best furthers the conservation objectives stated for the MCZ;
- (b) where it is not possible to exercise its functions in a manner which furthers those objectives, exercise them in the manner which the authority considers least hinders the achievement of those objectives.

(3) If a public authority (other than the Department) considers that any of its functions is such that the exercise of the function would or might significantly hinder the achievement of the conservation objectives stated for the MCZ, it must inform the Department of that fact.

(4) Subject to subsection (6), subsection (5) applies in any case where a public authority (other than the Department) intends to do an act which is capable of affecting (other than insignificantly)—

- (a) the protected features of an MCZ;
- (b) any ecological or geomorphological process on which the conservation of any protected feature of an MCZ is (wholly or in part) dependent.

(5) If the authority believes that there is or may be a significant risk of the act hindering the achievement of the conservation objectives stated for the MCZ, the authority must notify the Department of that fact.

(6) Subsection (5) does not apply where—

- (a) the Department has given the authority advice or guidance under section 24 in relation to acts of a particular description,
- (b) the act which the authority intends to do is an act of that description, and
- (c) the advice or guidance has not ceased to apply.

(7) Where the authority has given notification under subsection (5), it must wait until the expiry of the period of 28 days beginning with the date of the notification before deciding whether to do the act.

(8) Subsection (7) does not apply where—

- (a) the Department notifies the authority that it need not wait until the end of the period referred to in that subsection, or
- (b) the authority thinks that there is an urgent need to do the act.

(9) If a public authority (other than the Department) considers that a relevant event has occurred, it must inform the Department of that fact.

(10) A “relevant event” is any act—

- (a) in relation to which the public authority exercises functions,
- (b) which the authority believes to be an offence, and
- (c) which the authority considers will or may significantly hinder the achievement of the conservation objectives for an MCZ.

(11) In carrying out its duties under this section a public authority must have regard to any advice or guidance given by the Department under section 24.