STATUTORY INSTRUMENTS

2010 No. 1627

The Marine Strategy Regulations 2010

PART 2

General duties

The general duties

4.—(1) The Secretary of State, devolved policy authorities and each Northern Ireland body must exercise their functions, so far as they are relevant functions, so as to secure compliance with the requirements of the Directive, including the requirement in Article 1 to take the necessary measures to achieve or maintain good environmental status of marine waters within the marine strategy area by 31st December 2020.

(2) "Relevant function" means a function under these Regulations or, so far as material, a function under or by virtue of any other enactment, including in particular, an enactment specified in Schedule 2.

Functions of the Secretary of State in the development of the marine strategy

5.—(1) The Secretary of State must**[**[F1], in accordance with the requirements of Commission Decision (EU) 2017/848,**]** develop a marine strategy for the marine strategy area in order to—

(a) protect and preserve the marine environment, prevent its deterioration or, where practicable, restore marine ecosystems in areas where they have been adversely affected; and

(b) prevent and reduce inputs into the marine environment, with a view to phasing out pollution, so as to ensure they do not give rise to any significant impacts on or risks to marine biodiversity, marine ecosystems, human health or legitimate uses of the sea.

(2) The marine strategy must apply an ecosystem-based approach to the management of human activities within the marine strategy area.

(3) The marine strategy must consist of the elements required by regulations 10 to 14.

(4) For the purpose of this regulation, an "ecosystem-based approach" means an approach which—

(a) ensures that the collective pressure of human activities within the marine strategy area is kept within levels compatible with the achievement of good environmental status; and

(b) does not compromise the capacity of marine ecosystems to respond to human-induced changes.

Textual Amendments

F1 Words in reg. 5(1) inserted (31.12.2020) by The Marine Environment (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1399), regs. 1, **3(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Functions of the devolved policy authorities in the development of the marine strategy

6.—(1) In order to assist the Secretary of State in the development of the marine strategy under regulation 5, each devolved policy authority must provide the Secretary of State with—

(a) proposals for—

(i) the establishment of the monitoring programmes for the devolved marine area;

(ii) the determination of a programme of measures for the devolved marine area; and

(iii) the review or update of such monitoring programmes or programme of measures.

(b) information, including information for any review or update, to support—

(i) the assessment of marine waters for the devolved marine area;

(ii) the determination of the characteristics of good environmental status for any area within the devolved marine area which is distinct as regards its hydrological, oceanographic and biogeographic features; and

(iii) the development of environmental targets and indicators for any area within the devolved marine area which is distinct as regards its hydrological, oceanographic and biogeographic features; and

(c) such other information as the Secretary of State may reasonably require for the purpose of securing compliance with **[**[F2]the requirements of**]** the Directive.

(2) The information required under paragraph (1) must be sent to the Secretary of State by such date as the Secretary of State may direct.

Textual Amendments

F2 Words in reg. 6(1)(c) inserted (31.12.2020) by The Marine Environment (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1399), regs. 1, **3(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Co-ordination in the development of the marine strategy

7.—(1) In taking such steps as are necessary for the purpose of compliance with regulation 6(1)(a), the competent authorities must exercise their functions under these Regulations so as to secure consistency in relation to the development of a marine strategy in the marine strategy area, and carry out such co-ordination amongst themselves as is necessary for the purpose of securing such consistency.

(2) A devolved policy authority must obtain the consent of the Secretary of State for inclusion within the proposals required by regulation 6(1)(a) of any proposal which affects or is likely to affect the exercise of any retained function.

(3) Before adopting or revising any element of the marine strategy which affects or is likely to affect the exercise of any devolved function, the Secretary of State must obtain the consent of the relevant devolved policy authority.

Modifications etc. (not altering text)

C1 Reg. 7(3) applied (31.12.2020) by EU Decision 2017/848, Art. 1(2) (as inserted by The Marine Environment (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1399), regs. 1, **6(5)**; 2020 c. 1, Sch. 5 para. 1(1))

Cooperation in implementation of the marine strategy

8.—(1) The devolved policy authorities and the Secretary of State must co-operate in exercising any relevant function in relation to the implementation of the marine strategy in the marine strategy area including, in particular—

(a) in relation to the exercise of any relevant function of the Secretary of State in respect of any activity carried out within the Scottish inshore region, the Scottish offshore region, the Northern Ireland inshore region **[**[F3], the Welsh inshore region or the Welsh offshore region**]** ; and

(b) in relation to the exercise of any relevant function of **[**[F4]the Department of Agriculture, Environment and Rural Affairs in Northern Ireland or a**]** Northern Ireland body in respect of any activity carried out within the Northern Ireland offshore region [F5]....

(2) A devolved policy authority must obtain the consent of the Secretary of State before it exercises any relevant function for the purpose of **[**[F6]giving effect to the requirements of**]** the Directive, where the exercise of that function relates to any activity which affects or is likely to affect the exercise of any retained function.

(3) The Secretary of State must obtain the consent of the relevant devolved policy authority before the Secretary of State exercises any relevant function for the purpose of **[**[F7]giving effect to the requirements of**]** the Directive, where the exercise of that function relates to any activity which affects or is likely to affect the exercise of any devolved function.

Textual Amendments

F3 Words in reg. 8(1)(a) substituted (1.4.2018) by The Marine Works (Environmental Impact Assessment) and Marine Strategy (Amendment) Regulations 2018 (S.I. 2018/287), regs. 1, **3(3)(a)**

F4 Words in reg. 8(1)(b) substituted (1.4.2018) by The Marine Works (Environmental Impact Assessment) and Marine Strategy (Amendment) Regulations 2018 (S.I. 2018/287), regs. 1, **3(3)(b)(i)**

F5 Words in reg. 8(1)(b) omitted (1.4.2018) by virtue of The Marine Works (Environmental Impact Assessment) and Marine Strategy (Amendment) Regulations 2018 (S.I. 2018/287), regs. 1, **3(3)(b)(ii)**

F6 Words in reg. 8(2) substituted (31.12.2020) by The Marine Environment (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1399), regs. 1, **3(5)**; 2020 c. 1, Sch. 5 para. 1(1)

F7 Words in reg. 8(3) substituted (31.12.2020) by The Marine Environment (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1399), regs. 1, **3(5)**; 2020 c. 1, Sch. 5 para. 1(1)

Duty to have regard to the marine strategy

9. The Secretary of State, devolved policy authorities, each Northern Ireland body and each public authority must, in exercising any functions so far as affecting the marine strategy area, have regard to any marine strategy developed under regulation 5.

Changes to legislation:
There are currently no known outstanding effects for the The Marine Strategy Regulations 2010, PART 2.