

*These notes relate to the Marine (Scotland) Act 2010  
(asp 5) which received Royal Assent on 10 March 2010*

# MARINE (SCOTLAND) ACT 2010

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## EXPLANATORY NOTES

### THE ACT

#### **Part 5 – Marine Protection and Enhancement: the Scottish Marine Protection Area**

#### **Marine conservation orders**

#### *Section 88 - Urgent orders*

139. Where the Scottish Ministers consider there is an urgent need to protect an area (i.e. where delay in making an order could result in harm to the features, the marine historic asset, or the stated purpose of the area), section 88 allows the Scottish Ministers to follow an expedited process, without the need to publicise in advance that the order is to be made. The order will still be made as a statutory instrument and it will be a requirement on Scottish Ministers to publish notice of an MCO once it has been made. Section 88 provides for urgent marine conservation orders to remain in force for a limited period which may not exceed 12 months except if extended under subsection (6) for an additional 12 months maximum duration. An urgent continuation order under subsection (6) can be made only if Scottish Ministers intend to make a permanent marine conservation order in respect of the site to which the urgent MCO applies and they have published their proposals to make such an order.