

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

MARINE (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT

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

Nature Conservation MPAs

Section 69 - Nature Conservation MPAs: further provision

109. **Section 69** makes further provisions concerning the establishment of Nature Conservation MPAs. A designation order must identify the area's boundaries and may provide for the boundary to be determined by, or by reference to, mean high water spring tide. A Nature Conservation MPA may include, in addition to an area of sea referred to in section 67(1), an area of seashore lying above mean high water spring tide if the area of seashore adjoins the area of sea and at least any one the following conditions are satisfied: (a) the protected feature(s) is or are present in the area of seashore; (b) the area of sea is designated for the purpose of conserving marine flora or fauna which are wholly or part dependent on anything which takes place in, or is present in, the area of seashore; (c) without inclusion of the area of seashore, the identification of the boundary of the MPA (either in order to designate or manage it) would be impossible or impracticable.