

*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

Consultation, urgent designation, representations etc.

Section 77 - Urgent designation

118. **Section 77** provides that, where there is an urgent need to protect a marine area, Scottish Ministers may make a designation order without being required to publish notice of their proposals or to consult. Such an order can remain in place for up to 2 years. But if an order specifies a period in excess of 6 months this order must be reviewed by the Scottish Ministers after 6 months has elapsed to assess whether it is still required.
119. Even in the case of urgently designated MPAs, Scottish Ministers will still be bound under section 76 to adequately publicise the designation order once made.
120. Upon expiration of the urgent order, Ministers may not re-designate the area, or any part of it, without publishing notice of their proposals under section 75(1)(a) and consulting under section 75(1)(b).