



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 5

#### MARINE PROTECTION AND ENHANCEMENT: THE SCOTTISH MARINE PROTECTION AREA

*Advice etc. as regards protection of certain marine areas*

#### **80 Advice etc. by Scottish Natural Heritage as regards Nature Conservation MPAs and Demonstration and Research MPAs**

- (1) Scottish Natural Heritage may give advice and guidance as to—
- (a) the matters which are capable of damaging or otherwise affecting any protected feature (or the protected features) of a Nature Conservation MPA or (as the case may be) a stated purpose for a Demonstration and Research MPA,
  - (b) the matters which are capable of affecting any ecological or geomorphological process on which the conservation of any such protected feature or features or (as the case may be) any such stated purpose is (wholly or in part) dependent,
  - (c) how any stated conservation objectives for a Nature Conservation MPA or any stated purpose for a Demonstration and Research MPA may be furthered, or how the achievement of any such objectives or purpose may be hindered,
  - (d) how the effect of any activity or activities on any Nature Conservation MPA, Demonstration and Research MPA or such marine protected areas generally may be mitigated,
  - (e) which activities are, or are not, of equivalent environmental benefit (for the purposes of section 83(4)(b)(iii) (public authorities authorising certain acts)) to any particular damage to the environment (within the meaning of that provision).
- (2) Advice or guidance as to any of the matters in paragraphs (a) to (e) of subsection (1) may be given—
- (a) in relation to—
    - (i) a particular Nature Conservation MPA or Demonstration and Research MPA,
    - (ii) each such category of marine protected area, or all such marine protected areas, generally,

*Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010,  
 Cross Heading: Advice etc. as regards protection of certain marine areas. (See end of Document for details)*

- (b) in relation to a particular public authority or public authorities generally.
- (3) Scottish Natural Heritage must give such advice to a public authority if the authority requests it.

**Commencement Information**

**II** S. 80 in force at 1.7.2010 by [S.S.I. 2010/230](#), **art. 2(b)**

**[<sup>F1</sup>80A Advice etc. by Historic Environment Scotland as regards Historic MPAs**

- (1) Historic Environment Scotland may give advice and guidance as to—
  - (a) the matters which are capable of damaging or otherwise affecting any marine historic asset in a Historic MPA,
  - (b) how any stated preservation objectives for a Historic MPA may be furthered, or how the achievement of any such objectives may be hindered, and
  - (c) the assessment by a public authority of the matters in section 83(4)(b)(i) and (ii) including what factors the authority should take into account.
- (2) Advice or guidance as to any of the matters in paragraph (a) to (c) of subsection (1) may be given—
  - (a) in relation to—
    - (i) a particular Historic MPA,
    - (ii) all Historic MPAs generally,
  - (b) in relation to a particular public authority or public authorities generally.]

**Textual Amendments**

**F1** [S. 80A](#) inserted (1.10.2015) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), **Sch. 4 para. 2** (with ss. 29, 30); [S.S.I. 2015/196](#), art. 2, Sch.

**81 Advice and guidance by the Scottish Ministers as regards MPAs**

- (1) The Scottish Ministers may give advice and guidance as to—
  - (a) the matters in section 80(1)(a) to (e),
  - (b) the matters which are capable of damaging or otherwise affecting any marine historic asset in a Historic MPA,
  - (c) how any stated preservation objectives for a Historic MPA may be furthered, or how the achievement of any such objectives may be hindered,
  - (d) the assessment by a public authority of the matters in section 83(4)(b)(i) and (ii) including what factors the authority should take into account.
- (2) Advice or guidance as to any of the matters in paragraph (a) or (d) of subsection (1) may be given—
  - (a) in relation to—
    - (i) a particular Nature Conservation MPA, Demonstration and Research MPA or Historic MPA,
    - (ii) each such category of marine protected area, or all such marine protected areas, generally,

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**Changes to legislation:** There are currently no known outstanding effects for the Marine (Scotland) Act 2010,  
Cross Heading: Advice etc. as regards protection of certain marine areas. (See end of Document for details)

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(b) in relation to a particular public authority or public authorities generally.

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**Commencement Information**

**I2** S. 81 in force at 1.7.2010 by [S.S.I. 2010/230](#), **art. 2(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Cross  
Heading: Advice etc. as regards protection of certain marine areas.