



Marine (Scotland) Act 2010

2010 asp 5

PART 5

MARINE PROTECTION AND ENHANCEMENT: THE SCOTTISH MARINE PROTECTION AREA

Marine management schemes

99 Marine management schemes

- (1) A relevant authority (or 2 or more relevant authorities acting together) may establish one or more marine management schemes for any or all of the following areas—
 - (a) any Nature Conservation MPA,
 - (b) any Demonstration and Research MPA,
 - (c) any European marine site situated within the Scottish marine protection area and which—
 - (i) is included in whole or in part in,
 - (ii) includes all or part of, or
 - (iii) adjoins,a Nature Conservation MPA or a Demonstration and Research MPA.
- (2) A marine management scheme is a scheme under which the relevant authority's (or authorities') functions must be exercised for the purpose of furthering any or all of the following—
 - (a) the stated conservation objectives for any Nature Conservation MPA to which the scheme applies,
 - (b) the stated purposes for any Demonstration and Research MPA to which the scheme applies,
 - (c) the protection of any European marine site to which the scheme applies.
- (3) A marine management scheme may also impose the same requirement in relation to the exercise of any functions of the relevant authority (or authorities) which are not exercisable within the area (or areas) to which the scheme applies but the exercise of which may have an impact on the protection of that area (or those areas).
- (4) A marine management scheme may be made for a period of time specified in it.

Status: This is the original version (as it was originally enacted).

- (5) The relevant authority (or authorities) making a marine management scheme may amend it from time to time.
- (6) In this section and sections 100 to 102, a “relevant authority” means—
 - (a) any public authority exercising functions in the Scottish marine protection area, or
 - (b) the Scottish Ministers.

100 Review of schemes

- (1) A marine management scheme which is in effect at the end of a period mentioned in subsection (2) must be reviewed and updated by the relevant authority or authorities concerned by the end of that period.
- (2) The periods are—
 - (a) the period of 5 years beginning with the date on which it was made,
 - (b) each subsequent period of 5 years.

101 Marine management schemes: consultation etc.

- (1) Before making or amending a marine management scheme, the relevant authority (or authorities acting together) must consult Scottish Natural Heritage.
- (2) Where a relevant authority (or authorities) has (or have) made or amended a marine management scheme, they must forthwith send a copy of the scheme as made or amended to the Scottish Ministers and Scottish Natural Heritage.

102 Directions as to making, amending or revocation of schemes

- (1) The Scottish Ministers may give directions to a relevant authority (or any 2 or more such authorities) as to the making of marine management schemes.
- (2) A direction under subsection (1) may in particular—
 - (a) require one or more schemes to be made,
 - (b) require conservation or other measures specified in the direction to be included in a scheme,
 - (c) where a scheme is to be made by more than one relevant authority acting together, appoint one such authority to co-ordinate the making of it,
 - (d) set time limits within which any steps in relation to the making of a scheme are to be taken,
 - (e) require the approval of the Scottish Ministers before a scheme is made,
 - (f) require any relevant authority to give to the Scottish Ministers such information relating to the making of a scheme as may be specified in the direction.
- (3) The Scottish Ministers may give directions (whether general or specific) to a relevant authority (or any 2 or more such authorities) as to the amendment of a marine management scheme.
- (4) The Scottish Ministers may revoke a marine management scheme by a direction given by them to the relevant authority (or authorities) which made the scheme.

- (5) A direction under this section must be in writing.
- (6) A relevant authority given a direction under subsection (1) or (3) must comply with it.