

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Cross Heading: Matters to which Scottish Ministers to have regard in preparing marine plans. (See end of Document for details)

PROSPECTIVE

SCHEDULE 1

PREPARATION, ADOPTION ETC. OF MARINE PLANS OR ANY AMENDMENT

Matters to which Scottish Ministers to have regard in preparing marine plans

- 8 (1) The matters to which the Scottish Ministers are to have regard in preparing—
- (a) a national marine plan include the matters in sub-paragraph (2),
 - (b) a regional marine plan include the matters in sub-paragraph (3).
- (2) The matters, as regards a national marine plan, are—
- (a) the requirement under section 6(1) for a national marine plan to be in conformity with any marine policy statement currently in effect for the Scottish marine area unless relevant considerations indicate otherwise,
 - (b) the effect which any proposal for inclusion in the plan is likely to have on any area which adjoins the Scottish marine area,
 - (c) the results of the review required by section 11,
 - (d) the SPP relating to preparation of the plan,
 - (e) any representations made in response to the invitation issued in pursuance of paragraph 4(3),
 - (f) any advice received in pursuance of paragraph 7(1),
 - (g) any plan (not falling within paragraph 3(1) or (2)) prepared by a public or local authority in connection with the management or use of the sea or the coast or of marine or coastal resources, in the Scottish marine area or in any adjoining or adjacent area in the United Kingdom or the UK marine area,
 - (h) the powers and duties of the Crown Estate Commissioners under the Crown Estate Act 1961 (c.55),
 - [^{F1}(ha) the powers and duties of a relevant person,]
 - (i) such other matters as the Scottish Ministers consider relevant.
- (3) The matters, as regards a regional marine plan, are—
- (a) the requirement under section 6(1) for a regional marine plan to be in conformity with any marine policy statement currently in effect for the Scottish marine area unless relevant considerations indicate otherwise,
 - (b) the requirement under section 6(2) for a regional marine plan to be in conformity with any national marine plan currently in effect, unless relevant considerations indicate otherwise,
 - (c) the effect which any proposal for inclusion in the plan is likely to have on any area which adjoins the Scottish marine region to which the plan is to apply,
 - (d) the results of the review required by section 11,
 - (e) the SPP relating to the plan,
 - (f) any representations made in response to the invitation issued in pursuance of paragraph 4(3),
 - (g) any advice received under paragraph 7(1),
 - (h) any plan (not falling within paragraph 3(1) or (2)) prepared by a public or local authority in connection with the management or use of the sea or the

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coast, or of marine or coastal resources, in the Scottish marine region to which the plan is to apply or in any adjoining or adjacent area in the United Kingdom or the UK marine area,

- (i) the powers and duties of the Crown Estate Commissioners under the Crown Estate Act 1961,
- [^{F2}(ia) the powers and duties of a relevant person,]
- (j) such other matters as Scottish Ministers consider relevant.

[^{F3}(4) In this paragraph, “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.]

Textual Amendments

- F1** Sch. 1 para. 8(2)(ha) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), **Sch. 5 para. 42(a)**
- F2** Sch. 1 para. 8(3)(ia) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), **Sch. 5 para. 42(b)**
- F3** Sch. 1 para. 8(4) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), **Sch. 5 para. 42(c)**

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