



Marine (Scotland) Act 2010

2010 asp 5

PART 5

MARINE PROTECTION AND ENHANCEMENT: THE SCOTTISH MARINE PROTECTION AREA

Duties relating to network

79 Creation of network of conservation sites

- (1) In order to contribute to the achievement of the objective in subsection (2), the Scottish Ministers must designate areas as Nature Conservation MPAs under section 67.
- (2) The objective is that the areas designated as Nature Conservation MPAs by the Scottish Ministers, taken together with any areas designated as marine conservation zones under section 116 of the 2009 Act and any relevant conservation sites in the UK marine area, form a network which satisfies the conditions in subsection (3).
- (3) The conditions are—
 - (a) that the network contributes to the conservation or improvement of the marine environment in the UK marine area,
 - (b) that the features which are protected by the sites comprised in the network represent the range of features present in the UK marine area,
 - (c) that the designation of sites comprised in the network reflects the fact that the conservation of a feature may require the designation of more than one site.
- (4) For the purposes of subsection (2), the following are “relevant conservation sites”—
 - (a) any European marine site,
 - (b) any European offshore marine site,
 - (c) the whole or part of any site of special scientific interest,
 - (d) the whole or part of any Ramsar site.
- (5) When complying with the duty imposed by subsection (1), the Scottish Ministers must have regard to any [^{F1}[^{F2}assimilated] obligations (within the meaning of schedule 1 of the Interpretation Act 1978 or obligations under] international law that relate to the conservation or improvement of the marine environment.

Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 79. (See end of Document for details)

- (6) Before the end of the period of 2 months beginning with the date on which this section comes into force, the Scottish Ministers must—
- (a) prepare a statement setting out such principles relating to the achievement of the objective in subsection (2) as the Scottish Ministers intend to follow when complying with the duty imposed by subsection (1), and
 - (b) lay of copy of the statement before the Parliament.
- (7) A statement prepared by the Scottish Ministers under this section may also set out other matters relating to the achievement of that objective which they intend to take into account when complying with the duty imposed by subsection (1).
- (8) The Scottish Ministers must—
- (a) keep under review any statement they have prepared under this section, and,
 - (b) if they consider it appropriate in consequence of a review, prepare a revised statement of the principles referred to in subsection (6)(a) and lay a copy of it before the Parliament.
- (9) In this section—
- [^{F3}“European offshore marine site” has the meaning given by the Conservation of Offshore Marine Habitats and Species Regulations 2017 (S.I. 2017/1013),]
- “feature” means—
- (a) marine flora or fauna,
 - (b) marine habitats or types of such habitat,
 - (c) features of geological or geomorphological interest,
- “Ramsar site” has the same meaning as in section 37A of the Wildlife and Countryside Act 1981 (c.69),
- “site of special scientific interest” includes a site within the meaning of Part 2 of the Wildlife and Countryside Act 1981.

Textual Amendments

- F1** Words in s. 79(5) substituted (31.12.2020) by [The Marine Environment \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/55\)](#), regs. 1, **2(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in s. 79(5) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 1 para. 8**
- F3** Words in s. 79(9) substituted (30.11.2017) by [The Conservation of Offshore Marine Habitats and Species Regulations 2017 \(S.I. 2017/1013\)](#), reg. 1, **Sch. 4 para. 3(2)** (with regs. 3, 4(2))

Modifications etc. (not altering text)

- C1** S. 79(3)(a) modified by [S.I. 1994/2716, reg. 3A\(5\)](#) (as substituted (16.8.2012) by [The Conservation \(Natural Habitats, &c.\) Amendment \(Scotland\) Regulations 2012 \(S.S.I. 2012/228\)](#), regs. 1(1), **4**)

Commencement Information

- I1** S. 79 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, Section 79.