



Marine (Scotland) Act 2010

2010 asp 5

PART 5

MARINE PROTECTION AND ENHANCEMENT: THE SCOTTISH MARINE PROTECTION AREA

General duties of public authorities

84 Failure to comply with duties

- (1) In relation to a Nature Conservation MPA or a Demonstration and Research MPA if, in the opinion of Scottish Natural Heritage, a public authority has failed—
 - (a) to act in accordance with advice or guidance given by Scottish Natural Heritage under section 80,
 - (b) to comply with any of its duties under section 82(2) or 83(3) or (4),Scottish Natural Heritage may request from the authority an explanation in writing for the failure.
 - (2) Scottish Natural Heritage must send a copy of a request by it under subsection (1) to the Scottish Ministers.
 - (3) On receiving a request under this subsection (1), the public authority must—
 - (a) provide Scottish Natural Heritage with the requested explanation for the failure,
 - (b) send a copy of the explanation to the Scottish Ministers.
- [^{F1}(3A) In relation to a Historic MPA if, in the opinion of Historic Environment Scotland, a public authority has failed—
- (a) to act in accordance with advice or guidance given by Historic Environment Scotland under section 80A,
 - (b) to comply with any of its duties under section 82(2) or 83(3) or (4),
- Historic Environment Scotland may request from the authority an explanation in writing for the failure.
- (3B) Historic Environment Scotland must send a copy of a request by it under subsection (3A) to the Scottish Ministers.

Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 84. (See end of Document for details)

- (3C) On receiving a request under subsection (3A), the public authority must—
- (a) provide Historic Environment Scotland with the requested explanation for the failure,
 - (b) send a copy of the explanation to the Scottish Ministers.]
- (4) If, in the opinion of the Scottish Ministers, a public authority has failed to act in accordance with advice or guidance given by them under section 81, they may request from the authority an explanation in writing of the failure, and the authority must provide them with it.
- (5) In relation to a Historic MPA if, in the opinion of the Scottish Ministers, a public authority has failed to comply with any of its duties under section 82(2) or 83(3) or (4), the Ministers may request from the authority an explanation in writing for the failure, and the authority must provide them with it.

Textual Amendments

- F1** S. 84(3A)-(3C) inserted (1.10.2015) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), [Sch. 4 para. 5](#) (with ss. 29, 30); S.S.I. 2015/196, art. 2, Sch.

Modifications etc. (not altering text)

- C1** S. 84 applied (31.12.2010) by [The Marine \(Scotland\) Act 2010 \(Consequential Provisions\) Order 2010 \(S.I. 2010/2870\)](#), arts. 1, [4\(4\)](#)

Commencement Information

- I1** S. 84 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 84.