



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 5

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

##### *Marine conservation orders*

#### **88 Urgent orders**

- (1) In any case where the Scottish Ministers consider there is an urgent need to protect an area as respects which a marine conservation order may be made (and so an urgent need to make a marine conservation order), section 87 does not apply in relation to the making of the order.
- (2) In such a case, the order (an “urgent marine conservation order”)—
  - (a) comes into force on such date as is specified in it,
  - (b) remains in force (unless revoked) for such period, not exceeding 12 months, as is specified in it.
- (3) The Scottish Ministers must publish notice of the making of an urgent marine conservation order.
- (4) The notice must—
  - (a) be published in such manner as the Scottish Ministers consider is most likely to bring the urgent marine conservation order to the attention of any persons who are likely to be affected by the making of it,
  - (b) state that a copy of the order may be inspected at such office of the Scottish Ministers as is specified in the notice,
  - (c) state that the Scottish Ministers have power to revoke the order and that any person affected by the making of the order may make representations to them.
- (5) The Scottish Ministers must keep under review the need for an urgent marine conservation order to remain in force.
- (6) The Scottish Ministers may, by an order under this subsection (an “urgent continuation order”), provide that an urgent marine conservation order is to remain in force for such

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*Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 88. (See end of Document for details)*

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period, not exceeding 12 months, beyond that specified under subsection (2)(b) as is specified in the urgent continuation order.

- (7) The Scottish Ministers may not make an urgent continuation order unless—
- (a) they intend to make a marine conservation order (a “permanent order”) in respect of the marine protected area concerned (in accordance with the requirements of section 87), and
  - (b) they have published notice of their proposal to make the permanent order.

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**Commencement Information**

**II** S. 88 in force at 1.7.2010 by S.S.I. 2010/230, art. 2(b)

**Changes to legislation:**

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