



Marine (Scotland) Act 2010

2010 asp 5

PART 5

MARINE PROTECTION AND ENHANCEMENT: THE SCOTTISH MARINE PROTECTION AREA

Marine conservation orders

91 Duty to assess impact of prohibition or restriction of activities

- (1) Where an activity is restricted or prohibited under a marine conservation order made for a purpose mentioned in section 85(1)(a),(b) or (d), the Scottish Ministers must assess—
 - (a) the impact or potential impact of the restriction or prohibition within the area protected by the order (“the protected area”), and
 - (b) where the restriction or prohibition will cause displacement of the activity to another part of the Scottish marine area, the impact or potential impact of that displacement.
- (2) The assessment must include an assessment of the extent to which the restriction or prohibition of the activity has had and may have an impact on—
 - (a) economic interests,
 - (b) social interests,
 - (c) the environment within the protected area,
 - (d) the environment elsewhere in the Scottish marine area as a result of the activity being displaced.
- (3) Where, following an assessment, the Scottish Ministers identify an adverse impact under subsection (2), they must take such steps as they consider are reasonable to minimise the impact as far as is practicable.
- (4) This section does not apply where the order mentioned in subsection (1) is an urgent marine conservation order made in accordance with section 88.