

*These notes relate to the Marine (Scotland) Act 2010  
(asp 5) which received Royal Assent on 10 March 2010*

# MARINE (SCOTLAND) ACT 2010

---

## EXPLANATORY NOTES

### THE ACT

#### **Part 5 – Marine Protection and Enhancement: the Scottish Marine Protection Area**

#### **Marine conservation orders**

#### *Section 85 - Marine conservation orders*

135. **Section 85** enables Scottish Ministers to make marine conservation orders (MCOs) for the purpose of regulating activities so as to further the objectives or stated purposes of MPAs. Where the MPA overlaps with or adjoins a European marine site, the order can have effect on that site as well. Section 85(4)(a) provides that an MCO may disapply the defence found in section 97(1)(b) (which relates to the carrying out of public functions or authorisations from public authorities). Section 85(4)(c) provides for flexibility to apply orders in different ways to different parts of an MPA, and to different methods of carrying out an activity. This will enable orders to be focused on controlling particularly damaging methods, while avoiding capturing activities which pose less of a risk.