



Marine (Scotland) Act 2010

2010 asp 5

PART 5

MARINE PROTECTION AND ENHANCEMENT: THE SCOTTISH MARINE PROTECTION AREA

Consultation, urgent designation, representations etc.

75 Publicity and consultation etc. before designation

- (1) Before making a designation order (or an order amending or revoking any such order), the Scottish Ministers must (except where section 77 provides otherwise)—
 - (a) publish notice of their proposal to make the order,
 - (b) consult such persons as they consider are likely to be interested in or affected by the making of the order—
 - (i) including, in particular, any local authority whose area is adjacent to the likely boundaries of the area proposed to be designated,
 - (ii) including those specified by virtue of section 27(4)(a).
- (2) Notice under subsection (1)(a) must—
 - (a) be published in such manner as the Scottish Ministers consider is most likely to bring the proposal to the attention of any persons likely to be affected by the making of the order,
 - (b) contain a statement of the terms of the proposed order,
 - (c) indicate where a plan or chart identifying the area's boundaries can be obtained or inspected.

76 Publicity in relation to designation orders

- (1) This section applies where the Scottish Ministers have made a designation order (or an order amending or revoking any such order).
- (2) The Scottish Ministers must publish notice of the making of the order.
- (3) The notice under subsection (2) must—

- (a) be published in such a manner as the Scottish Ministers consider is most likely to bring the order to the attention of any persons likely to be affected by the making of it,
 - (b) give an address at which a copy of the order may be inspected.
- (4) The Scottish Ministers must—
 - (a) make a copy of the order available for inspection at the address specified under subsection (3)(b) at all reasonable hours,
 - (b) provide a copy of the order to any person who requests one.
- (5) The Scottish Ministers may charge a fee, not exceeding their expenses, for providing a copy under subsection (4)(b).

77 Urgent designation

- (1) In any case where the Scottish Ministers consider there is an urgent need to protect the area proposed to be designated or (as the case may be) to protect a marine historic asset within the area (and so an urgent need to make a designation order)—
 - (a) they need not publish notice of their proposals under section 75(1)(a) or consult under section 75(1)(b),
 - (b) the order remains in force for such period, not exceeding 2 years, as is specified in it (but any order that specifies a period in excess of 6 months must be reviewed by the Scottish Ministers after 6 months has elapsed to assess whether it is still required).
- (2) Upon expiration of the order, the Scottish Ministers may not re-designate the area (or any part of it) without—
 - (a) publishing notice of their proposals under section 75(1)(a),
 - (b) consulting under section 75(1)(b).

78 Representations and hearing in relation to proposed designation order

- (1) The Scottish Ministers may, before deciding whether to make a designation order (or an order amending or revoking any such order), give any person the opportunity of making oral or written representations to them or to any person appointed by them for that purpose at a hearing.
- (2) The Scottish Ministers may make regulations providing for the procedure to be followed (including decisions as to expenses) at any hearing held under subsection (1).