



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 3

#### MARINE PLANNING

### CHAPTER 1

#### MARINE POLICY STATEMENT

#### **44 Marine policy statement**

- (1) For the purposes of this Act a “marine policy statement” (an “MPS”) is a document—
  - (a) in which the policy authorities that prepare and adopt it state general policies of theirs (however expressed) for contributing to the achievement of sustainable development in the UK marine area,
  - (b) which has been prepared and adopted by those authorities in accordance with Schedule 5, and
  - (c) which states that it has been prepared and adopted for the purposes of this section.
- (2) An MPS may also include statements or information relating to policies contained in the MPS.
- (3) If to any extent a policy stated in an MPS conflicts with any other statement or information in the MPS, that conflict must be resolved in favour of the policy.
- (4) In this Part “policy authority” means any of the following—
  - (a) the Secretary of State;
  - (b) the Scottish Ministers;
  - (c) the Welsh Ministers;
  - (d) the Department of the Environment in Northern Ireland.

- (5) Any reference in this Part to an MPS being adopted by any policy authorities is a reference to the final text of the MPS being adopted by those authorities in accordance with Schedule 5.

#### **45 Preparation and coming into effect of statement**

- (1) An MPS may only be prepared by—
- (a) all the policy authorities, acting jointly,
  - (b) the Secretary of State and any one or more other policy authorities, acting jointly, or
  - (c) the Secretary of State.
- (2) An MPS must not be prepared by the Secretary of State acting alone under subsection (1)(c) unless the Secretary of State has first invited each of the other policy authorities to participate in the preparation of an MPS.
- (3) A later MPS replaces an earlier MPS, whether or not the later MPS is prepared and adopted by the same policy authorities that prepared and adopted the earlier MPS.
- (4) An MPS comes into effect when it has been published in accordance with Schedule 5.

#### **46 Review of statement**

The policy authorities that prepared and adopted an MPS must review the MPS whenever they consider it appropriate to do so.

#### **47 Amendment of statement**

- (1) An MPS may be amended from time to time by the policy authorities which prepared and adopted it.
- (2) Any amendment of an MPS must be prepared and adopted in accordance with Schedule 5.
- (3) Any amendment of an MPS comes into effect when it has been published in accordance with that Schedule.
- (4) Any reference in this Part to an amendment of an MPS being adopted by any policy authorities is a reference to the final text of the amendment being adopted by those authorities in accordance with that Schedule.
- (5) Any reference in this Act to an MPS includes a reference to an MPS as amended.

#### **48 Withdrawal of, or from, statement**

- (1) If any of the policy authorities that prepared and adopted an MPS—
- (a) comes to the conclusion that it desires to withdraw from the MPS, and
  - (b) publishes notice of that conclusion in each of the Gazettes,
- the authority is to be regarded as having withdrawn from the MPS as from the date on which the notice is so published.
- (2) Before arranging to publish any such notice, the policy authority must inform each of the other policy authorities that it intends to do so.

- (3) If the Secretary of State withdraws from an MPS, the MPS is withdrawn as from the date of the Secretary of State’s withdrawal.
- (4) If any other policy authority withdraws from an MPS, then, as from the date of the authority’s withdrawal, the authority is to be treated for the purposes of this Part as if it were not one of the policy authorities which adopted and published the MPS.
- (5) If the Secretary of State withdraws from an MPS, the Secretary of State must take such further steps as the Secretary of State considers appropriate to secure that the withdrawal of the MPS is brought to the attention of interested persons.
- (6) If any other policy authority withdraws from an MPS, it must take such further steps as it considers appropriate to secure that its withdrawal from the MPS is brought to the attention of interested persons.
- (7) An MPS which is withdrawn by virtue of subsection (3) ceases to have effect as from the date of the withdrawal.
- (8) Where a policy authority withdraws from an MPS, or an MPS is withdrawn by virtue of the withdrawal of the Secretary of State, the withdrawal does not affect—
  - (a) the continuing validity or effect of any marine plan for any marine plan area, or
  - (b) until such time as a new MPS governs marine planning for a marine plan area, the construction of any marine plan for that marine plan area.
- (9) In this section—
  - “the Gazettes” means—
    - (a) the London Gazette,
    - (b) the Edinburgh Gazette, and
    - (c) the Belfast Gazette;
  - “interested persons” means—
    - (a) any persons appearing to the policy authority to be likely to be interested in, or affected by, the withdrawal of or from the MPS;
    - (b) members of the general public.