



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 5

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

##### *Marine conservation orders*

#### **85 Marine conservation orders**

- (1) The Scottish Ministers may make one or more orders (“marine conservation orders”) for any or all of the following purposes—
  - (a) that of furthering the stated conservation objectives for a Nature Conservation MPA,
  - (b) that of furthering a stated purpose for a Demonstration and Research MPA,
  - (c) that of furthering the stated preservation objectives for a Historic MPA,
  - (d) where any such marine protected area—
    - (i) includes all or part of (or is included in whole or part in) a European marine site, or
    - (ii) adjoins a European marine site, that of protecting the European marine site.
- (2) An order under this section may be made so as to apply to any area in Scotland.
- (3) Section 86 provides some examples of the provision that may be made by a marine conservation order.
- (4) An order under this section—
  - (a) may provide that paragraph (b) of section 97(1) does not apply in relation to—
    - (i) an offence under section 94 of contravening the order,
    - (ii) an offence under section 95 (where the order is made for the purpose of furthering the stated conservation objectives for a Nature Conservation MPA),
    - (iii) an offence under section 96 (where the order is made for the purpose of furthering the stated preservation objectives for a Historic MPA),
  - (b) may be made subject to specified exceptions,

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*Status: Point in time view as at 31/01/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 85. (See end of Document for details)*

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- (c) may make different provision for different cases, including (in particular)—
  - (i) different parts of the protected area,
  - (ii) different times of the year,
  - (iii) different means or methods of carrying out any activity.
- (5) In this section and section 86—
  - (a) the conservation objectives for a European marine site mean the protection of the natural feature by reason of which the site is considered to be of significance in relation to the Habitats Directive or the Wild Birds Directive,
  - (b) “natural feature” in relation to a European marine site, means—
    - (i) any of its flora or fauna,
    - (ii) any natural habitat existing in it,
  - (c) “specified” means specified in the order.

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**Commencement Information**

**II** [S. 85](#) in force at 1.7.2010 by [S.S.I. 2010/230](#), [art. 2\(b\)](#)

**Status:**

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**Changes to legislation:**

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