



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 1

#### THE MARINE MANAGEMENT ORGANISATION

### CHAPTER 4

#### MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

##### *Directions and guidance*

#### **37 Directions by the Secretary of State**

- (1) The Secretary of State may give the MMO general or specific directions with respect to the exercise of any of the MMO's functions.
- (2) The Secretary of State may also give the MMO such general or specific directions as the Secretary of State considers appropriate for the implementation of any obligations of the United Kingdom under—
  - (a) the EU Treaties, or
  - (b) any international agreement to which the United Kingdom or the European Union is for the time being a party.
- (3) Before giving directions under this section, the Secretary of State must consult the MMO.
- (4) Consultation under subsection (3) is not required if the Secretary of State considers that there is an emergency.
- (5) The MMO must comply with any directions given to it under this section.
- (6) The Secretary of State must publish in the London Gazette notice of any directions given under this section.

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*Status: This is the original version (as it was originally enacted).*

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- (7) The giving of any directions under this section must be publicised in such manner as the Secretary of State considers appropriate for the purpose of bringing the matters to which the directions relate to the attention of persons likely to be affected by them.
- (8) Copies of any directions given under this section are to be made available by the MMO to members of the public on payment of such reasonable fee as the MMO may determine.
- (9) Until the coming into force of Part 2 of the Schedule to the [European Union \(Amendment\) Act 2008 \(c. 7\)](#) the reference in subsection (2)(a) to the EU Treaties is to be read as a reference to the Community Treaties.

### **38 Guidance by the Secretary of State**

- (1) The Secretary of State may give the MMO guidance with respect to the exercise of any of the MMO's functions.
- (2) The MMO must have regard to any guidance given to it under this Act by the Secretary of State.
- (3) Before giving any such guidance, the Secretary of State must consult—
  - (a) the MMO, and
  - (b) such other bodies or persons as the Secretary of State considers appropriate.